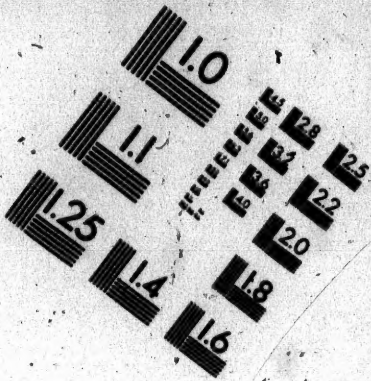
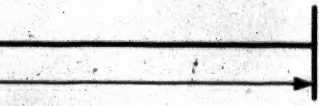
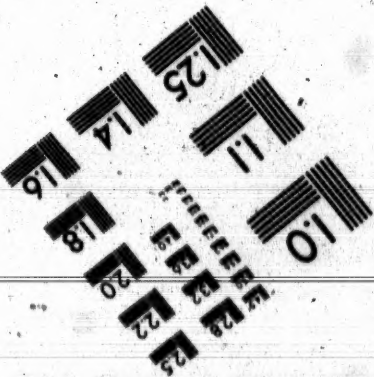




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ANNO VICESIMO-NONO

VICTORIÆ REGINÆ.

CAP. LVII.

An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec.

[Assented to 18th September, 1865.]

WHEREAS it is expedient to amend and consolidate the several Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

CORPORATION.

1. The inhabitants of the City of Quebec shall form and are and shall be and continue to be a body corporate in fact and in name, by and under the name and title of the "Corporation of the City of Quebec," and shall be trustees, and responsible as such for the due performance of the trust.

Incorporation and name.

CORPORATE NAME AND GENERAL POWERS.

2. The said Corporation has and shall have perpetual succession, and a common seal, with power to break, renew, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and may accept, take, purchase and hold goods and chattels, lands and tenements, real and personal movable or immovable estate, and may grant, sell, alienate, assign, demise and convey the same; and may enter into and become a party to contracts; and give and accept any bills, bonds, judgments, or other instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance or securing the performance of any duty, matter or thing whatsoever, as hereinafter provided.

Corporate powers, holding property, &c.

Bills and notes, &c.

BOUNDARIES OF THE CITY.

3. The City of Quebec, for all municipal purposes, comprises the whole extent of land within the limits assigned to the said city by a certain proclamation of His Excellency Sir Alured Clarke, bearing date the seventh day of May, one thousand

Boundaries defined.

sand seven hundred and ninety-two, and in addition thereto, all land extending to low water mark of the River St. Lawrence, in front of the said city, including the shore of the River St. Charles, opposite the said city, as limited by high water mark on the north side of the said river, from the prolongation of the west line of St. Ours street, to the west line of the farm of the Nuns of the Hôtel-Dieu, thence running southward, along the said line about five hundred and fifty feet, to the southern extremity of a pier erected on the said farm, at low water mark; thence running due east, about eight hundred feet, to the intersection of the line limiting the beach grants of the seignior of Notre-Dame des Anges, at low water; and finally thence along the said beach line running north forty degrees east, to the intersection of the prolongation of the line of the Commissioners for the Harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the city; the said city also comprises all wharves, piers and other erections, made or to be made in the said River St. Lawrence, opposite to or adjoining the said city, though extending beyond the low water mark of the said river, and being within the said Commissioners' line and even beyond the same, should it be hereafter extended or reduced.

BOUNDARIES OF THE WARDS

Eight wards.

4. The said city is divided into eight wards, to wit:—St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward and Montcalm Ward, and these wards are respectively bounded as follows:

St. Lewis.

St. Lewis Ward comprises all that part of the Upper Town within the fortifications, and south of a line drawn from Prescott Gate to St. John's Gate, along the middle of Mountain street, Buade street, Fabrique street, and St. John street.

Palace.

Palace Ward comprises all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward.

St. Peter's.

St. Peter's Ward comprises all that part of the Lower Town bounded on the south by a line drawn in the middle of Sous-le-Fort street, and prolonged in the same direction to low water mark in the River St. Lawrence at the one end, and to the cliff below the castle of St. Lewis at the other, and on the west by the eastern limits of the parish of St. Roch, together with all the wharves, piers and other erections, opposite to this part of the Lower Town, although built beyond low water mark in the said river;

Champlain.

Champlain Ward comprises all that part of the Lower Town lying between St. Peter's Ward and the limits of the said city, together with all wharves, piers and other erections, opposite thereto, although built beyond the low water mark in the said river;

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St. Roch's Ward comprises all that part of the parish of St. Roch's, Roch which lies within the limits of the said City of Québec, on the north-west side of a line drawn in the middle of St. Joseph street, from one end to the other ;

Jacques Cartier Ward comprises all that part of the parish Jacques Cartier, of St. Roch which lies within the limits of the said City of Québec, not comprised in the St. Roch's Ward ;

St. John's Ward comprises all that space bounded by Jacques Cartier Ward, the fortifications, the limits of the said city on the west, and a line drawn in the middle of St. John street from St. John's Gate to the western limits of the city.

Montcalm Ward comprises all that space bounded by the fortifications on the east, and on the west by the city limits, on the north by St. John's Ward, and on the south by the *cime du cap* of the St. Lawrence.

OF THE CITY COUNCIL.

CONSTITUTION.

5. From and after the third Monday in January, next after the passing of this Act, the council of the city shall consist of the mayor and of eight aldermen and sixteen councillors, being one alderman and two councillors for each ward ; aldermen and councillors shall hold office for three years :

2. The mayor shall be elected by a majority of the votes of such of the electors of the said city as are qualified to vote for aldermen of the said city, being proprietors of real estate within the city, of the assessed annual value of fifty dollars or upwards, and whose names are on the voters' lists for mayor, hereinafter provided for ; he shall hold office for one year ;

3. The mayor shall receive out of the funds of the said city, a salary to be fixed by the council, and which shall not exceed twelve hundred dollars, nor be less than six hundred dollars ;

4. From and after the third Monday in January, next after the passing of this Act, each ward of the city shall be represented in the city council by one alderman and two councillors, who shall be severally elected for three years, by the duly qualified electors of such ward ;

5. One third part of the said council shall be renewed annually, by the retirement of one member of the council from each and every ward ;

6. The vacancies which shall occur at the end of the now current municipal year, by the retirement of a councillor from each

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each ward of the city, shall be filled by the election of an alderman for each ward ;

Present mayor ; term of office.

7. The person who shall be mayor of the said city at the time of the passing of this Act, shall continue to hold the said office until the election of his successor under this Act, unless he sooner resign his seat in the said council, under the provisions of subsection eleven of section eight of this Act, or vacate his office under the provisions of the ninth section of this Act ;

Present councillors.

8. Every person who shall be a councillor of the said city at the time of the passing of this Act, shall continue to hold his office as such until the end of the term for which he was elected such councillor, unless he sooner resign or vacate his seat as aforesaid.

QUALIFICATIONS OF THE MAYOR AND OF MEMBERS OF THE COUNCIL.

Property qualification.

6. No person shall be capable of being elected or holding office as mayor, alderman or councillor of the said city, unless he has been a resident householder within the said city, for one year next before such election, nor unless he be, at the time of his election, and continue during the period of his tenure of office to be, seized or possessed, to his own use, of real estate, within the said city, free from all incumbrances, of the value of two thousand dollars ; nor unless he be a subject of Her Majesty, by birth or naturalization, and of the full age of twenty-one years :

To be British subjects.

Declaration of qualification.

2. Every candidate for election as mayor, alderman or councillor, before being capable of acting as such, shall, besides taking the oath of allegiance and qualification required by the next following subsection, deposit with the city clerk, a declaration, in writing, to the effect that he possesses the qualifications above mentioned, and he shall insert at the foot of the declaration, a correct description of the lands on which he claims to be qualified to be elected ;

Oath of allegiance and qualification.

3. Neither the mayor nor any alderman or councillor shall be capable of acting as such, until he shall have taken the oath of allegiance and of qualification, contained in the Schedule A of this Act ;

Certain persons disqualified.

4. No person being in Holy Orders, or being a minister or preacher of any dissenting sect, or religious congregation, nor any judge, nor clerk of any court, nor any member of the Executive Council, nor any person accountable for the city revenue, or receiving any pecuniary allowance from the city for his services, nor any clerk or assistant employed by him at any such election, while so employed ; nor any person convicted of treason or felony in any court of justice in any of Her Majesty's

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Majesty's possessions; nor any contractor with the corporation, or who has a share in any contract or agreement, or is the surety of any contractor with the said corporation, shall be capable of being elected mayor, alderman or councillor for the said city.

QUALIFICATIONS OF ELECTORS.

7. No person shall be entitled to vote for mayor, alderman or councillor, unless he be at least of the age of twenty-one years, and assessed as provided for by this Act, and have paid his assessments one month at least before such election, nor unless he be a subject of Her Majesty, by birth or naturalization, nor unless his name be on one or both of the voters' lists, for mayor and aldermen and for councillors, for the ward in which he desires to vote; General qualification.

2. No person shall be entitled to vote for mayor or alderman unless he be a proprietor of real estate within the said city, of the assessed annual value of fifty dollars or upwards, nor unless his name be on the voters' list of those qualified to vote for mayor and aldermen, for the ward in which he desires to vote; To vote for mayor or alderman.

3. No person shall be entitled to vote for a councillor as proprietor, unless the assessed annual value of his property amounts to at least eight dollars, nor as coproprietor unless his share of the annual value of the property be assessed at the same amount, nor unless his name be on the voters' list for councillors of the ward in which he desires to vote; To vote for councillor as proprietor.

4. No person shall be entitled to vote for a councillor as a tenant, occupant or usufructuary, unless the assessed annual value of the property he occupies, or of which he has the enjoyment, amounts to the sum of thirty-two dollars, nor unless his name be on the voters' list for councillors as aforesaid; As tenant.

5. No person being an officer or servant of the Corporation, and receiving any fixed and regular income or wages from the Corporation as such, shall be entitled to vote at any election for mayor, alderman or councillor in the said city. Persons disqualified.

VACANCIES, &c.

8. If a vacancy should occur, during any municipal year, in the office of mayor, the city council shall, at the first meeting of the said council thereafter, elect from among the members of the said council another fit person to be mayor for the remainder of the period for which the mayor whose place is to be supplied, was to serve, but such election by the Council shall not render vacant the seat of the member so elected: Mayor vacating.

Mayor absent,
&c.

2. Whenever the mayor is absent from the city, or is incapable from sickness of discharging his duty, the council shall elect from among its members, one who, during such absence or sickness shall possess all the power, authority and rights vested in the mayor, under the name of "acting mayor";

Fine for refusing office, &c.

3. Any person duly elected to the office of mayor who refuses to accept the same, shall pay a fine of four hundred dollars; and if the mayor absent himself from the city during more than three consecutive calendar months (except in case of sickness or on public business), he shall, in such case, cease to hold office as mayor, and shall be liable to the penalty appointed for refusal to accept such office;

To be a J. P.

4. The mayor shall be *ex officio* a Justice of the Peace for the City and District of Quebec;

Alderman or councillor vacating.

5. All extraordinary vacancies in the office of alderman or councillor shall be filled and supplied for the remainder of the term of office on a day to be appointed by the mayor, in the same manner and way as when the ordinary term of office of alderman or councillor expire;

Penalty for refusing office &c.,

6. Any person who neglects or refuses to accept the office of alderman or councillor, after having been duly elected thereto; and any alderman or councillor who neglects or refuses to discharge his duty as such, or absents himself from the city, during more than six consecutive calendar months (except in case of sickness, or on the business of the said corporation), shall incur a penalty of two hundred dollars, and the seat of such alderman or councillor shall thereby become vacant;

Notice of acceptance.

7. Every alderman and councillor shall within forty-eight hours, after he shall have been notified of his election, give notice in writing, to the city clerk, of his acceptance of the office;

If elected for more than one ward.

8. Every alderman or councillor elected for more than one ward of the city, shall, within three days after he has received notice thereof, make his choice, in writing, to the city clerk, and on his default, the mayor shall declare for which one of the said wards such person shall serve;

Penalty for not giving notice.

9. Any person elected to the office of alderman or councillor who fails to give the city clerk the prescribed notice, shall incur a penalty of two hundred dollars, and a new election shall be held to fill any vacancy occasioned by such double election, or by the non-acceptance or failure on the part of the member elected to discharge the duties of his office as such;

To be J.P's.

10. Every alderman and councillor shall be *ex officio* a Justice of the Peace for the City of Quebec;

11.

11. The mayor or any alderman or councillor may, at the expiration of six months tenure of office, and with the consent of three-fourths of the members of the council present at any meeting of the said Council, resign his office or seat in the said Council. Resigning with leave, &c.

DISQUALIFICATIONS.

9. If the mayor or any alderman or councillor shall be declared insolvent, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or compound with his creditors, or being mayor shall be absent from the city for more than three calendar months, or being an alderman or councillor, for more than six calendar months, at one and the same time, except on account of illness or public business; or if the mayor or any alderman or councillor shall have a share in any contract or agreement with the said corporation, either directly or indirectly, or shall be the surety of any contractor with the said corporation, or derive any emolument or advantage, either directly or indirectly, from any such contract with the said corporation, the office of mayor and of such alderman or councillor shall thereby become vacant; and in case of there being any such contract or surety, the mayor, alderman or councillor concerned therein shall be liable to a fine of one hundred dollars, to be recovered before the Recorder's Court of the City of Quebec, for each and every day that such mayor, alderman or councillor shall thus illegally hold office as such mayor, alderman or councillor. Disqualifying acts and circumstances.

EXEMPTIONS.

10. The persons hereinafter mentioned shall be exempted from serving in any municipal office, to wit: Persons exempt.

2. All persons above the age of sixty-five years who shall claim exemption within five days after having received official notice of their election; Age.

3. All persons disabled by lunacy or imbecility of mind; Lunacy, &c.

4. All military, naval or marine officers in Her Majesty's service on full pay, Members of the Provincial Legislature, the Judges of any Court of Law residing in the said city, the Adjutant-General and Deputy-Adjutants-General of Militia, Officers of the Customs, Sheriffs and Coroners, Schoolmasters, the clerks and commissioned officers of the Legislature and of the Executive Council, and the Postmaster and his deputies; Public servants

MUNICIPAL ELECTIONS.

VOTERS' LISTS.

11. Before the first day of November in each and every year the assessors shall prepare for each ward, from the assessment Lists to be prepared, when books

and by whom,
and publication.

books for the then current year, two alphabetical lists, the one being a list of all persons who shall appear by such books to be assessed at rates sufficiently high to entitle them to vote in such ward for mayor and aldermen and the other being a list of persons qualified as aforesaid to vote for councillors, and shall certify each of such lists, and give them to the city clerk before the said first day of November, to be posted up in his office where they shall remain posted up till the fifteenth day of the said month of November, both days included, from nine o'clock in the morning till four o'clock in the evening, and the City Clerk shall, before the said first day of November and up to the said fifteenth day of November, cause a notice of there being so deposited in his office to be published in one French and in one English newspaper in the said city:

Electors
omitted,

2. Any elector who shall desire to have his name added to the lists, or either of them, of any ward, or to have any name erased therefrom, shall prefer his request, in writing, and over his own signature, indicating his place of residence, and the name of the ward in which he resides, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of November, at four o'clock in the evening;

Board of
Revisors.

3. The Mayor of the City of Quebec, the Recorder of the said city, the Judge of the Sessions of the Peace in and for the said city, shall form a Board of Revisors to revise the said lists of voters, and the Mayor shall preside at the meetings of the said board;

President of
Board.

4. In case of the absence, for any cause whatever, of the chairman of the board, the members of the said board then present as aforesaid, may choose one of themselves to preside at the meeting in the absence of the chairman, and the member so chosen will be vested with all the rights conferred by this Act on the ordinary chairman of the board;

Quorum.

5. Two of the members present at any meeting of the board may exercise all the powers and attributes conferred on the board by this or any other Act;

Oath of office.

6. Before entering on their duties, the members of the said board shall make oath before a Justice of the Peace for the District of Quebec, impartially to discharge the duties of their office, and an entry of the said oath of office having been taken shall be made in the minutes of the meeting of the said board; but each member shall take the said oath of office once only during the time he will act as member of the said board;

Meeting.

7. The said board shall meet on the twentieth day of November of each year, in the City Hall, at the hour specified in the notice to be given for that purpose; if the said day is a Sunday or a holiday, the meeting shall be held on the next following juridical day;

8. If by some unforeseen cause or accident a sufficient number of the members of the said board are unable to be present on any one of the days fixed by this Act, the said board may adjourn to the following day, and notice of the adjournment shall be given to each member of the said board; Adjournments.

9. The board shall, each year, at the time hereinbefore mentioned, revise the lists of such voters, and shall admit or reject to the best of its judgment, the legal claims or demands for the insertion of additions to or erasures from the said lists; Revision.

10. They shall hear persons present who have made the demands or claims or their duly authorized attorneys; and may admit or reject the same, and adjourn from time to time until all the lists shall be revised; Hearing claims.

11. After hearing the best attainable evidence, the said board may determine and order such names to be added to or erased from the said lists, conformably to the legal claims admitted by the said board; Decision.

12. The board may supply or correct any error or omission of the said lists made by the assessors, without, however, adding or striking off any name when no demand for that purpose has been made and admitted; Corrections.

13. The chairman of the board may examine under oath (which he is hereby empowered and enjoined to administer), all persons examined as witnesses before the said board, and the clerk of the board shall make an entry of their names in the minutes of the proceedings of the meeting; Examining on oath.

14. The death of any person whose name has been entered in the said lists shall be proved by legal certificate of his death, or by the written deposition, sworn to before a Justice of the Peace of the District of Quebec, of two or more credible witnesses; Proof of death of voter.

15. No person shall have his name erased from any list without being heard in person or by attorney, and notice of any demand for the erasure of a name shall be given to the party interested (if he be a resident within the City of Quebec, or to be found therein), and of the day, the place and the hour, when such application will be made; Right to be heard.

16. The city clerk shall be the clerk of the said board; shall keep the minutes of its proceedings, and shall sign them, and also all the notices required by this Act; Clerk.

17. Four days at least immediately previous to the said twentieth day of November, the said clerk shall give notice in two newspapers published in the said city, in the French and English Notice of meeting, &c.

English languages respectively, of the day, place and hour, when the said board will meet to revise the said lists, and determine the said demands, appointing the order in which the said board shall revise the said lists;

Filing claims.

18. All claims or demands in relation to any names being added on or erased from the said lists, must be filed in the office of the City Clerk, to or before the fifteenth day of November of each year, and not later; and after the said day no claim or demand will be received by the said clerk;

Completing revision.

19. The revision of the said lists shall be completed on the tenth day of December following, and the clerk of the said board shall sign each list so revised, and affix thereunto the city seal, the chairman of the board having previously signed the same;

Penalty on member refusing to act.

20. If any member of the Board of Revisors appointed as such by or in virtue of this Act, shall neglect or refuse to perform any of the duties required of him by this Act, he shall incur a penalty of eight hundred dollars.

OF CANDIDATES.**NOMINATION OF AND RECEPTION OF VOTES.****Custody of lists.**

12. So soon as the voters' lists shall be revised, corrected, signed and sealed in conformity with this Act, they shall be again placed in the City Hall, under the care of the city clerk, until the close of the election; after which they shall remain in the archives, in the office of the said city clerk:

Nomination of candidates.

2. On the first Monday of December in each year, or the first juridical day thereafter, if the first Monday should be a holiday, the nomination of candidates for the office of Mayor shall take place at the City Hall, and the nomination of candidates for the office of Alderman and Councillor shall take place at the places named in each ward by the city council;

Notice of nomination.

3. Three days at least before the nomination, the city clerk shall give notice, to be published in one French and in one English newspaper published in the said city, of the time and place or places where such nominations of candidates for the offices of Mayor, aldermen and councillors respectively shall take place; and at the time and place named, any two electors, duly qualified to vote for the candidate they intend to propose, may nominate a candidate; and (as regards the nomination of candidates as aldermen and councillors) such two electors shall belong to the ward for which they make the nomination of a candidate to the office of alderman or councillor; if there shall be but one candidate for the office of Mayor, alderman or councillor, he shall be forthwith declared elected;

4. If there shall be more than one candidate, the presiding member of the council, named for this purpose by the city council, shall grant a poll, and no vote can afterwards be received for any other than the candidates so nominated ;

Granting Poll.

5. When a poll is granted for the election of the Mayor, the voting shall take place in all the wards at the places and at the time appointed by the Council prior to the tenth day of December in each year, and the provisions next following respecting elections, shall, as respects the conducting of the election generally, apply to the election of the Mayor ;

Poll for mayor.

6. When a poll is granted for the election of an alderman or councillor, the voting shall take place in the ward for which the poll has been granted, at the place appointed by the council at one of its sittings, prior to the tenth day of December in each year ; and the voting shall begin on the fifteenth day of December in each year, or if that be a holiday, then on the first juridical day thereafter, and shall continue on such day, and on the next juridical day thereafter only ; the poll shall be opened each juridical day at nine o'clock in the morning, and shall be closed at four of the clock in the afternoon each day ; and three days at least, previously to the voting, the city clerk shall give notice, to be published in one English and in one French newspaper in the said city, of the time and place or places where the said voting shall take place ;

For alderman or councillor.

Two polling days : hours. Notice.

7. The voting in each ward shall be presided over by such member of the council as shall have been named for that purpose by the said council, at one of its meetings, held previously to the tenth day of December in each year ;

Who to preside.

8. As soon as a poll shall have been granted for any ward, the city clerk shall prepare correct copies of the voters' lists for such ward, for Mayor and aldermen and for councillors respectively, or of such one of the said lists as may be required for the election, for which a poll has been granted, and affix his signature and the seal of the city thereto ;

Copies of lists to be furnished.

9. He shall afterwards certify on each of the said copies under oath before a Justice of the Peace for the District of Quebec, that they are correct copies of the voters' lists for Mayor and aldermen and for councillors respectively for such ward for the current year, and shall thereupon forthwith transmit the said copies of the said voters' lists for such ward to the member of the council appointed to preside at the election in such ward ;

To be certified and transmitted.

10. Every person whose name shall appear in the said copy of the said voters' list for Mayor and aldermen for the said ward, thus transmitted to the member of the council presiding at the election, shall be entitled to vote at the election of a

Persons on lists to be voters.

person

person to be the Mayor of the city and of an alderman for the ward for which such list shall have been made, and every person whose name shall appear on the copy of the voters' list for councillors shall be entitled to vote at the election of a councillor or councillors for the ward for which such list shall have been made, and without taking any oath other than that indicated in Schedule A annexed to and forming part of this Act, which oath the member of the council presiding as aforesaid shall have power to administer;

Voters oath.

Poll books.

11. The city council shall cause books to be prepared, one of which shall be delivered by the city clerk to each member of the council so named, to preside at such election as aforesaid, at least twenty-four hours before the voting shall commence, in which shall be written under separate headings and under the supervision of the said member of the council, during the said voting, the name of each voter who shall vote in the ward where such member of the council presides, together with the name of the candidate for whom such voter shall vote;

How kept.

12. Separate and distinct columns shall be kept in the said book, at the head of which shall be written the names of the candidates for the office of Mayor, alderman and councillor for whom the electors are to vote, and as each elector votes his vote shall be recorded by the poll clerk by making the figure 1 in the column opposite the voter's name, and in the column at the head of which appears the name of the candidate for which the elector shall have voted;

Oath may be demanded of voter.

Entry in Poll book.

13. Upon the demand of any candidate, or his duly authorized agent, or any duly qualified elector in such ward, the member of the council presiding shall administer to any voter the oath in Schedule A of this Act: If the voter refuse to take the said oath, the words "refused to swear" shall be written opposite his name, and he shall not be allowed to vote; if the voter take the oath, the word "sworn" shall be written opposite his name, and his vote shall be received and registered; in either case the name of the person who demands the oath to be administered shall be written down in the said book in a column to be provided for that purpose;

Poll clerk.

14. The mayor shall appoint a clerk for each ward to enter in the poll book under the supervision of the member of the council presiding, the names of all the voters who vote in the ward for which he is appointed, and to make all the entries therein prescribed by this Act; and such clerk before acting shall take, before the mayor or some member of the council, the oath in the Schedule B appended to and forming part of this Act;

Oath of office.

Voting in more than one ward.

15. Every voter may vote for candidates for the office of alderman or councillor in every ward in which his name shall

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be found legally inscribed on the proper list of voters, but he shall not vote more than once in each ward ;

16. Every duly qualified voter may vote for the candidates for the office of mayor in one ward only, and if his name should be found inscribed in several lists of voters, he shall vote in the ward in which he resides, if he should be qualified, but if he should not be qualified, or if he resides outside of the city limits, he shall declare in writing over his name, at least one month before the election, such declaration being addressed to the city clerk, in which of the wards in which he is qualified he desires to vote for such candidates, in default of which he shall be debarred from the right of voting at the election of Mayor ;

In one only for mayor.

Choice of ward to vote in.

17. In the event of the decease, or absence, from illness or otherwise, of the member of the council appointed to preside at any election as aforesaid, or of any poll clerk appointed as aforesaid, it shall be the duty of the mayor forthwith to appoint another member of the council or poll clerk, to replace the one so absent ; and such new poll clerk shall, before acting as such, take the oath, before the mayor or some member of the council, contained in Schedule B of this Act ;

Decease, &c., of person appointed to preside.

18. At the close of the voting each day in each ward as aforesaid, the presiding member of the council shall add up and ascertain the number of votes recorded in the said poll book, for and in favor of each candidate for the office of mayor, alderman and of councillor respectively, and return the said book to the city clerk immediately after the close of the election, and after having taken and subscribed an oath at the foot of the said book, which oath he shall take before the Recorder, the Mayor or any member of the council, and which shall be in the form of the oath contained in Schedule C appended to this Act, and of which it forms part.

Counting votes and return of Book.

Oath.

POWERS OF MEMBERS PRESIDING AT ELECTIONS.

13. Every member of the council who presides at such nomination or election in any ward of the city, shall have full power and authority to maintain order and preserve the peace, and if any offence should be committed in his sight, or be proved by information upon oath of one credible witness sworn before and by him, he shall have full power to cause to be arrested on his verbal order, and to imprison upon his warrant for twenty-four hours, in the common gaol of the District of Quebec, any person who shall not maintain order, or preserve the peace, or who shall be armed with any club, stick, bludgeon, or other offensive weapon, or who shall carry any flag, color, banner, ribbon or cockade or other badge, or distinctive mark whatever, to indicate which candidate he supports, or who shall disturb or threaten to disturb the peace or who shall

Maintaining peace and order.

Imprisoning offenders.

shall wilfully hinder or attempt to hinder any elector from exercising his rights as such, or who shall interrupt in any manner the proceedings of any such nomination or election :

Orders to be
obeyed, by
constable, &c.

2. All officers of Militia, constable and police officers, or gaolers of the District of Quebec, shall be bound to obey the said verbal order and warrant, under a penalty not exceeding one hundred dollars ;

Imprisonment
not to discharge
&c.

3. The imprisonment of twenty-four hours aforesaid shall not exempt the person or persons so imprisoned from any of the pains and penalties to which he or they would otherwise be liable for the offence committed ;

Carrying flag,
&c.

4. Any person who shall, at such nomination or election, carry any flag, banner, color, ribbon, cockade, or other badge indicating the party to which he belongs, or who shall use any violence, menace or malicious practice, or disturb the nomination or election, or shall carry any stick, club, or other offensive weapon, shall be liable to a penalty, for every such offence, of one hundred dollars, or three months' imprisonment, or to both, at the discretion of the Court.

BRIBERY CLAUSES.

What shall be
deemed bribery.

14. No elector shall ask or receive any sum of money, or other recompense, by way of gift or loan, or under any other pretext, or allow or consent to allow his assessments or taxes to be paid for him, or make any contract or agreement for any sum of money, office, gift or employment or other recompense whatever, to induce him to give his vote to or in favor of or withhold it from any candidate ; and no person shall, either personally or by his agent, as and by way of gift, recompense, promise, contract, or guarantee of any gift or recompense, or by means of payment of assessment or taxes, bribe or attempt to bribe, or induce any elector to give his vote to or in favor of any candidate ; and any person offending against any of the provisions of this section shall be liable, on conviction, to a penalty of two hundred dollars for such offence, to be recovered with costs, by any one who shall sue for the same before the Recorder's Court of the said city :

Penalty.

Election void
for bribery.

2. The election of any mayor, alderman or councillor, shall be declared null and void by any competent Court before which it shall be proved that such mayor, alderman or councillor has given any sum of money, office, place, employment, gratuity, reward or any bond, bill or note, or conveyance of land, or made any promise to give or do any one or more of such acts or things, or to have threatened any elector that he would cause him to lose any office, salary, income or advantage, either by himself or by his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for him as candidate for the

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office of mayor, alderman or councillor, or to keep back any elector from voting for any other candidate for the same, or to open and support, or cause to be opened and supported, at his costs and charges, any house of public entertainment for the accommodation of the electors.

DECLARATION OF MEMBERS ELECTED.

15. On the first juridical day of December in each year, after the closing of the said voting, at the hour appointed by the notice for its assembling, given by the city clerk, the Board of Revisors shall meet in the City Hall, and shall have all the said ward or poll books brought before them, and shall thereupon ascertain and report to the said council at its first meeting thereafter, the total number of votes given and recorded in the whole of the said books for each candidate for the office of mayor, and the total number of votes given to and recorded for each candidate for the office of alderman, and the total number of votes given to and recorded for each candidate for the office of councillor in the ward to which the poll book relates, and for whom the greatest number of votes has been recorded for the office of mayor, and for the office of alderman and councillor in each ward, and the said council shall, at such sitting thereof, declare the person having the greatest number of votes for the office of mayor to be elected mayor of the City of Quebec, and the person having the greatest number of votes for the office of alderman in each ward, to be elected alderman of the said City of Quebec, and the person having the greatest number of votes for the office of councillor in each ward to be elected councillor of the said city; and in case of equality of votes in respect of either of the said offices of mayor, alderman or councillor, the said city council shall determine and decide which of the said persons having the said equality shall be elected to office; and the said poll-books shall remain in the office and under the care and charge of the city clerk, where they shall be open to inspection by any elector upon the payment of twenty-five cents:

Successful
candidates
declared,

Mayor.

Alderman:

Councillor.

Ties.

Custody of Poll
books.

2. The mayor, aldermen and councillors so elected at the annual election aforesaid, shall not enter upon the duties of their office, and shall not enjoy any of the rights and privileges, nor be liable to any of the duties and responsibilities of their respective offices, until and after the third Monday in January following their election.

When to enter
into office.

MEETINGS OF THE COUNCIL.

16. The city council may meet at periods to be fixed by a by-law, and may adjourn such meetings by giving notice of such adjournment to the members thereof who may not be present at the time of the adjournment:

Meetings and
adjournments.

- Who to preside.** 2. The mayor shall preside at all sittings of the council, and do and perform the several duties and be invested with the powers and privileges imposed and conferred upon the mayor of the city by this Act until the election of his successor ;
- Quorum.** 3. One-third of the whole of the members of the city council shall constitute a quorum, except as otherwise herein provided ;
- When any thing may be done.** 4. If anything is required to be done by this Act on a day certain, it may be done as soon thereafter as possible, provided it has not been done owing to the want of a *quorum* ;
- Majority ; not ballot.** 5. The majority of the members present shall determine all questions and matters submitted to the council ; the council shall not vote by ballot ;
- Quorum for By-laws.** 6. There shall be two-thirds of the whole council present at all meetings for the passing and third reading of a by-law ;
- Mayor's vote.** 7. The mayor shall preside at the meetings of the council, and in case of an equality of votes, shall have a casting vote, and in any other case he shall have no vote ;
- Rules.** 8. The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings ;
- Order.** 9. The mayor shall maintain order and decorum during the sittings of the council ; he may cause to be arrested by any police officer or constable or other person any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the Recorder's Court, to be dealt with according to law ;
- Punishment for disturbing proceedings.** 10. Any person who in any manner whatsoever disturbs the order or proceedings of the council, or refuses to obey the legal orders of the mayor or person presiding at any meeting of the council as aforesaid, or who violates any enactment of a by-law of the council made in virtue of the eighth paragraph of this section, shall incur, on conviction for every offence, a fine not exceeding forty dollars, to be sued for and levied according to law ;
- Absence of Mayor, &c.** 11. If the mayor or acting mayor should be absent from any meeting, the council shall choose one of its members to preside ;
- Compelling attendance.** 12. The council may, by by-law, compel its members to attend meetings of the council and discharge their duties ;
- Meetings public.** 13. The meetings of the council shall be public.

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OFFICERS OF THE COUNCIL.

17. The council shall appoint a city clerk, a treasurer, clerk of markets, a city surveyor, one or more road, street, bridge and chimney inspectors, one or more collectors and pound keepers, and such other officers as shall be deemed necessary; and they may remove or dismiss any officer, and appoint another in his place, and may exact security from them, and accord salaries to them, which salaries may be increased or reduced, from time to time, in the discretion of the council; and no reduction under this section shall give any claim for injury or damages as against the corporation, to any person whose salary shall have been so dealt with:

Officers, appointment, removal, salaries, &c.

2. The city council shall not grant any pension or any retiring allowance to any of its officers or servants, or any relief or assistance or other compensation whatsoever, in the nature of an annual or periodical payment, for damage or injuries received in its service, or for any reason or cause whatsoever;

No pension allowed.

3. If, by the act or neglect of any officer of the council, or of the said corporation, a suit or plaint brought by the said corporation is dismissed, the court, in adjudicating thereon, may, by its judgment dismissing the said suit or plaint, condemn the said officer to pay the amount claimed in the said suit, with interest and costs; or in case of a plaint, the costs thereof, and the said amount and interest thereon, together with the costs thereof, or the costs of the plaint, may be levied in the ordinary course of law against the goods and chattels of said officer, without any other formality or proceeding whatsoever being complied with or taken;

Responsibility of officers for neglect, &c.

4. If any officer is absent, or incapable of acting, the mayor may appoint an assistant during such absence, and such assistant shall, during the period for which he shall be so appointed, exercise all the powers and perform the duties of the principal so absent;

Assistants to officers.

5. The city clerk shall keep minutes of all the deliberations or proceedings of the city council; the mayor, or in his absence, the acting mayor, or the member appointed to preside over the council, shall sign such minutes, and every elector shall have access thereto on payment of twenty cents;

Minutes of proceedings.

6. All copies of minutes, and generally all certificates, documents and papers, signed by the mayor, and countersigned by the city clerk, under the seal of the city, shall be received in all courts of justice, as proof of the contents of the original thereof; and all copies of documents, certified by the city clerk, under the seal of the city, shall be authentic, and shall be evidence, and held as such, in all courts of justice, unless it be specially pleaded that such signatures and seal are forged;

Proof of minutes.

Powers as to
Roads, &c.

7. The city treasurer and city inspector or surveyor shall have the same powers and duties as the treasurer of roads and inspector of highways, roads and bridges, formerly had, in virtue of the thirty-sixth George the Third, intituled: *An Act to make, repair and change the highways and bridges in this Province, and for other purposes.*

Treasurer to
keep accounts
who may in-
spect them.

8. The city treasurer shall keep true and correct accounts of all sums of money by him received or paid, indicating the several purposes for which said sums of money shall have been received or paid; the mayor and the members of the council shall have the right of examining his accounts at all reasonable times, and such accounts, with all vouchers and papers relating thereto, shall be made up and closed on the thirtieth day of April, the thirty-first day of July, the thirty-first day of October, and the last day of February, in each year, and shall be immediately after each of the said days, submitted to the examination of the auditors and members of the council, appointed for this purpose, by the mayor; after the said accounts shall have been so examined and audited for the quarter ending on the thirtieth day of April, in each year, the said treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, in one English and one French newspaper published in the said city, after having delivered a certified copy to the city council, and a copy thereof shall be open to the inspection of all the rate-payers of the said city, at the city treasurer's office, at all reasonable hours, free of charge, who shall also be entitled to a copy thereof; on payment of a reasonable price therefor;

Periods of
making up.

When audited,
abstract to be
made and
published.

Removal of
clerk or
treasurer.

9. The city council shall only have the power to dismiss the city clerk or city treasurer, by a resolution carried by a vote, of not less than two thirds of the members thereof, present at any meeting of the council;

Obligations of
city officers.

10. All officers appointed by the council, shall be obliged to render to the said council a true account, in writing, of all matters committed to their charge, and also of all moneys which they shall respectively receive; if they shall not render such account, or deliver up to the said council the papers, books, moneys, documents or other effects belonging to the said council, the said corporation shall make complaint before the said Recorder's Court, which shall order that a warrant do issue from the said court, to arrest and bring this officer before it, and whether such officer shall or shall not appear, or shall or shall not be found, the said court shall hear and determine the said complaint in a summary manner, and if it shall appear to the said court that the said officer owes money to the said corporation, such court shall issue a writ to cause such moneys to be levied by distress and sale of the goods and chattels of the said offender, and if sufficient goods and chattels shall not be found to satisfy the said moneys and the costs of distress,

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or if it shall appear to the said court that such officer has refused, or wilfully neglected to deliver such accounts or vouchers, books, papers, documents or other effects confided to him, or which were in his custody, or has omitted or refused to deliver them to the said corporation, the said court shall imprison the offender in the common gaol of the district of Quebec, where such officer shall remain, without privilege of bail, until he shall have paid such moneys as aforesaid, or shall have delivered a true account, and shall have delivered up such books, documents, papers, effects and vouchers as aforesaid, or shall have given satisfaction to the said council in relation thereto; but no such officer shall be detained in prison for want of sufficient means, for a longer period than three calendar months;

Imprisonment
of offender.

Period.

11. Nothing in the present Act contained shall prevent or restrict any judicial remedy against any officer offending as aforesaid, in the present section, or against any surety for any such officer.

Other remedies
not impaired.

ASSESSMENTS FOR MUNICIPAL PURPOSES.

ASSESSORS—THEIR APPOINTMENT AND DUTIES.

18. Three assessors shall be appointed annually in the month of February by a special board for the purpose to be called the Assessment Board, and which shall be composed of the mayor, the recorder and the judge of the sessions of the peace for the City of Quebec:

Appointment.

2. No person shall be eligible as assessor unless he is seized or possessed to his own use of real or personal estate, or both, within the city, after payment or deduction of his just debts, of the value of one thousand dollars;

Qualification.

3. Any person who shall refuse to accept the office of assessor, shall incur a penalty of two hundred dollars;

Penalty for
refusing to Act.

4. The powers, authority and duties which were vested in the assessors by the thirty-sixth George the Third, intituled: *An Act for making, repairing, and altering the highways and bridges within this Province and for other purposes*, and also by the ninth George the Fourth, chapter sixteen; and the thirty-ninth George the Third, chapter five, are and shall continue to be vested in and imposed on the said new assessors, in so far as the same shall not be modified by the by-laws of the said council;

Powers of
assessors.

5. The remuneration of the assessors shall be fixed from time to time by the Assessment Board, and any vacancies among the assessors shall be filled by the said board;

Remuneration.

Valuation of property.

6. The assessors shall each year value all properties within the limits of the City of Quebec, and make returns also of the names of all persons liable to pay any tax, duty or impost, specifying the amount payable by every such person;

Basis of valuation.

7. The value of immovable property shall be determined by the *bona fide* rent thereof; if the said rent be unjust, unreasonable and disproportioned to the value of such property, the assessment shall be based on the interest of the actual or real value thereof; if the property shall be occupied or in the possession of the proprietor thereof the assessors shall determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth or ought to produce; vacant lots shall be assessed upon the interest of the actual value thereof;

Vacant lots.

Oath of office.

8. The assessors shall not act as such, until they shall have taken before the mayor, the oath of allegiance and of qualification mentioned in the Schedule D; appended and forming part of this Act;

When they may Act.

9. The assessors shall have the power to assess during the whole year of their term of office;

Assessment board to fix period for return &c.

10. The assessment board shall regulate and determine the time when the assessors of the said city shall annually begin their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the assessments to be levied in the said city, and the time and manner in which they may or shall correct their said return by extending the same and adding thereto the names of any parties omitted or who shall have become known to the said assessors, or shall have arrived in the said city subsequently to the making thereof, or who shall have become liable to pay any assessment tax or duty to the said city at any time after the said general return shall have been made.

ASSESSMENT ROLLS.

Rolls have a column for interest rates under this Act.

How money collected for such rates shall be dealt with.

11. In the assessment rolls made up after the passing of this Act, in every succeeding assessment roll, there shall be a column headed, "Interest rates under the Act of 1865," and the city treasurer shall deposit any moneys received by him from such rates to the credit of an account to be kept in the name of the said corporation in one of the Chartered Banks of the Province, and the moneys so collected, received or deposited, shall be applicable only to the payment of interest to become due on the Bonds mentioned in Schedule L to this Act, as it becomes due, and shall be applied in no other manner whatever; and any person applying such moneys or knowingly permitting them to be applied for any other purpose than is provided for in this section, shall be civilly liable for the

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the amount, and shall be further held guilty of a misdemeanor, and be liable to be punished by fine in any sum not being less than double nor more than four-fold the amount misapplied, or by imprisonment for any term not being less than three calendar months, nor more than two years, or by both, and any officer of the city or member of the council, authorizing any such application, or assenting thereto, shall in like manner and to the like extent, be civilly and criminally responsible, but each deposit shall be a discharge to the city for the coupons in respect of which the deposit shall be so made.

Penalty for mis-application.

REVISION OF ASSESSMENT ROLLS.

20. So soon as the assessors shall have deposited, at the period fixed by the assessment board, the assessment book for any ward in the treasurer's office, the treasurer shall advertise such deposit for three weeks in a French newspaper, and in an English newspaper, published in the said city; during the three weeks from the date of the first advertisement of such deposit, all persons considering themselves aggrieved by any entry made in such book, shall present a petition or complaint in writing, to the Recorder's Court of the City of Quebec, which said complaint shall be sworn to, before a Justice of the Peace or a member of the City Council, and shall be filed during the said period in the office of the clerk of the court, who shall give sufficient notice by publication in the said newspapers of the days and hours when the court will hear the parties complaining and determine the merits of such complaints; and any person aggrieved by any decision of the court with respect to such complaint may appeal therefrom by summary petition, to the Court of Revision sitting in the City of Quebec, within the eight days following the said judgment, and proceeding shall be had on the said appeal, in the manner prescribed by the laws establishing the said Court of Revision, and the judgment of the said Court of Revision shall be final and conclusive.

Notice of revision.

Complaints of persons aggrieved.

Recorder to decide.

Appeal.

2. All the delays mentioned shall be final, so that any complainant who shall neglect to make his complaint or proof within the time specified, and take out such appeal within the prescribed delay, shall be foreclosed from so doing, and be held responsible for and be compelled to pay the amount for which he may be assessed, according to the said assessment books, together with all sums charged against him for taxes, rates, imposts, duties or other municipal charges;

Delays allowed to be final.

3. In any case where, after the making up of an assessment book, it shall become necessary to correct or amend the errors or omissions which may be found therein; or whenever persons not subject to assessment, or to any rate or tax whatsoever, at the time of the making up of the said assessment book, shall, thereafter, and within any period of the fiscal year, become

Corrections of assessment books.

How made.

become subject to the payment of such assessment, rate or tax; such correction or amendment or addition shall be made in such assessment book, on application to that effect addressed by any assessor to the said Recorder's Court which, on satisfactory proof of the said demand, shall order that the correction, amendment or addition demanded be made in the said book;

Notice to parties affected.

4. The said judgment shall be signified to the person interested by a bailiff of the said court; and if, within the eight days following the said signification, the person interested shall not have filed in the office of the clerk of the said Court, the objections which he may have to such correction, amendment or addition, he shall be foreclosed from the right of so doing, and bound to pay each and every sum, assessment, rate or tax imposed upon him, by virtue of such correction, amendment or addition; And if the objections are produced, within the said delay, the said Court shall proceed thereon, as provided in the first paragraph of this section.

Hearing objections.

ORDINARY ASSESSMENTS.

Council to make By-laws.

21. The council may, at any meetings thereof composed of not less than two-thirds of the members thereof, make By-laws for the following purposes:

Raising money by assessment.

2. For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said council is now, or may be hereafter invested, either by imposing tolls and rates, to be paid in respect of any Public Works within the said city, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the said city, or upon the owners or occupiers therefore in respect of such property, provided that such assessment may, in any one year, amount to, but shall not exceed (excepting as hereafter provided) the sum of ten cents in the dollar on the assessed yearly value of the property liable to such assessment; such assessment, in the case of real property, to be paid in equal proportions by the tenant and proprietor thereof, unless the real property is occupied by the proprietor himself, in which case such assessment shall be paid wholly by the proprietor;

Rate limited.

Proportion to be paid by proprietor and tenant respectively.

For drainage.

3. By imposing a further assessment or rate for drainage on all real property in the said city, to an amount which shall not exceed two cents and a half in the dollar on the assessed yearly value of such real property; and

Duties on persons exercising certain callings.

4. By imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquors, and on merchants and dealers and the agents of all such resorting to, or visiting the city, to take or receive orders therein, or to sell therein, or buy according to sample, contract or agreement, or

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Assessment on
partners.

Agents carry-
ing on business.

Rate payable
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Mode of assess-
ing such rates.

Words
"agent" and
"agency" and
interpreted.

are or may be carried on, exercised or put in operation therein, either on their own account or as agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as ferrymen to the said city or plying for hire for the conveyance of persons by water to the said city from any place not more than twelve miles distant from the same;

5. In the case of rate or rates imposed on the partner of a firm or company of merchants as aforesaid, such rates may be claimed and recovered in the manner prescribed for the recovery of assessments, taxes or rates imposed by the said council, either against such partner or against the firm or company of which he is partner;

6. In all cases where the said council is authorized by law to impose a rate or rates on the agency or agent of any person, firm or company whatsoever, incorporated or not, carrying on or exercising any trade or business whatsoever, or any banking business or commercial business in the said city, such rate or rates may be claimed and recovered in the manner above set forth against the agency or agent of such person, firm or company in the said city;

7. Every rate imposed by virtue of the foregoing provisions shall be payable annually, and at the period fixed by such by-law;

8. Every special tax imposed in virtue of the foregoing provisions may, in the discretion of the said council, be a fixed annual rate on all or any of the several classes of persons subject to such tax, and on the premises by them occupied for the purpose of their trade, business or manufacture, or a proportional tax to be determined by the said council according to the assessed annual value of the real estate or any part thereof, occupied as aforesaid or according to the annual value of lease of such real estate or any part thereof, occupied as aforesaid, by the persons liable to such tax, or by both modes at once, that is to say, a fixed tax on the persons liable to such tax, and a proportional tax on the real estate occupied as aforesaid; or only a fixed tax on such person, according as the said council may in each case consider it to be most advantageous to the said city;

9. And the words "agent" or "agency," in the foregoing subsections, signify any and every agent or any and every agency of one and the same company or partnership having several distinct and separate agents or agencies in the said city, and the special rate imposed on the different trades, businesses or occupations hereinabove specified, shall be payable for such and every establishment of such trade, business or occupation in the said city, when it shall be carried on by the same person, firm

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firm or persons or company in a distinct and separate house or place of business.

10. The capitation tax, payable by all persons of the male sex, above the age of twenty-one years, and under the age of sixty years, and not subject to any other tax or rate whatsoever, shall in future be two dollars per annum; but domestics and servants of the male sex shall only pay one dollar per annum.

Capitation tax.

EXEMPTIONS FROM CAPITATION TAX.

22. The following persons shall be exempt from the said capitation: All persons above the age of sixty years; the officers and soldiers of Her Majesty or of the Militia in active service, or any person domiciled in the said city during less than six months; apprentices *bond fide*; and any person who shall serve in any fire company established by the corporation or under its control, so long as he shall belong to such company.

Persons exempt from capitation.

SPECIAL ASSESSMENTS AND THEIR ENFORCEMENT.

23. For the payment of the interest due and to become due on its Bonded Debt as mentioned in the Schedule L of this Act, there shall be levied and raised by the Corporation from time to time, yearly or half-yearly, or oftener if they think fit, upon the whole then assessable property of the said city, a special rate or rates of so many cents on the dollar as shall be required, until the said interest shall be fully paid and discharged; Provided always, that if the rate or rates to be levied from time to time shall yield more than the rate of interest from time to time payable, the surplus shall be carried to a special account to be called the "Interest Account," and be applied to the payment of the next half-year's interest, and all the provisions of section nineteen shall be applicable to such surplus:

Special rates for interest on bonded debt.

Provido.

2. To provide for the due and punctual payment of the interest of the bonds which may have been issued by the corporation, in the said Schedule L mentioned—

Provisions for punctual payment of interest

It shall be incumbent on the corporation and their Treasurer for the time being, to have at least fourteen days before the day of payment, at the credit of the account mentioned in the preceding subsection, a sum sufficient to pay the half-yearly interest next becoming payable in the Province after the said respective dates; and they shall also, at least fourteen days before the coupons payable in Great Britain become due, have a sum sufficient to pay the said coupons at the bank or place at which the same are payable, and the corporation shall arrange with the bank to give notice by advertisement of the half-yearly days on which the interest payable in Great Britain will be paid;

Corporation to have a sum sufficient ready beforehand.

Provisions for
enforcing pay-
ment of interest.

Creditor may
apply to have a
special rate
levied by the
Sheriff.

Evidence on
which applica-
tion may be
granted.

As to bonds
dated before
this Act.

Proofs.

Sheriff's duty
on order to levy
special rate.

3. And whereas it is desirable that proper facilities should be given to the creditors under all circumstances, to enforce payment of the interest of their debts against the said City of Quebec: therefore the holder of any bond, debenture or coupon of the said city, whether issued for the construction or completion of the water works, or any other purpose, mentioned in the Schedule L of this Act may, in default of payment of the interest thereon, adopt any or all of the following modes of remedy, to wit: Such creditor may either proceed to judgment and execution in the ordinary manner; or he may apply by a summary petition after one clear day's notice to the Superior Court, or to any judge in vacation, setting forth that he is a creditor, and in what amount, and praying that a special rate be levied for the payment of his claim, and thereupon it shall be the duty of the Court or Judge, unless special cause on oath that the debt is not due, be assigned to the satisfaction of the Court or Judge, forthwith to grant an order directing the Sheriff of the District of Quebec to collect the "special interest rate" hereinbefore mentioned and directing him, if need be, to impose and levy another and further rate upon the real estate situated in the said City of Quebec, sufficient to cover such demand, with ten per centum over and above the same; and it shall not be requisite that any bonds in respect of which such order is required, or on which any action at law or other proceeding for the recovery of interest is brought shall be produced by the holder, provided the coupon thereof be produced, and the production of such coupons shall be *prima facie* evidence that the holder thereof is the owner of the bond to which it was attached and entitled to recover thereon, and a *bona fide* payment to the holder of such coupon shall discharge the said Corporation from all liability thereon;

4. All bonds purporting to be dated and to have been issued prior to the passing of this Act, and all coupons purporting to have been attached thereto shall, without any other special proof to that effect, be presumed to be part of and to be included among the bond referred to in Schedule L;

5. And until proof to the contrary is given, the production of any such Bond or coupon shall be *prima facie* evidence that the same is included in and forms part of those enumerated in Schedule L, saving to the corporation and to all other parties the right to contest the fact;

6. It shall be the duty of the sheriff when he shall receive a writ of execution against the said city (with an endorsement thereon by the plaintiff or his Attorney requiring him to impose a rate under this Act) or upon delivery to such sheriff of an order of the court or judge under the subsection three of this section,—and such sheriff is hereby empowered—to take communication or possession of all such books, papers or documents of the corporation as may be necessary, and the officers of

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of the corporation shall be bound to afford him free access to, and, if he shall require it, possession of all such books, documents and papers, and the said sheriff shall forthwith prepare an assessment roll in such form as he may see fit, shewing the rates and assessments necessary to make up the amount required to be levied, with ten per centum over and above the same, to meet expenses and interest, and such rates and assessments shall be payable by the persons and shall be chargeable upon the property in respect of which they are imposed, and no such assessment roll shall be invalid for any informality or inequality of rate therein, or for any other matter whatever, provided that any party aggrieved shall have the right to recover from the corporation any rate or excess of rate over and above what by a just and fair apportionment he ought to have been assessed at;

7. Any officer or member of the Council, interfering with or refusing to afford to any sheriff, receiver, assessors or collectors, or other person charged with the execution of any duty under this Act, any books, papers, or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor, and be liable to be punished by imprisonment, for any term not being less than three calendar months, nor more than two years;

Penalty for obstructing Sheriff.

8. In case for any reason the sheriff shall not be able to obtain within one day after demand of the same communication or possession of the necessary books, documents or papers, to enable him to make such assessment roll and to impose such rate, he shall forthwith impose from such data as may be within his power and by appointment or otherwise, a rate, and levy the required amount upon the real property situated in the said city;

If Sheriff cannot obtain the proper books, &c.

9. If from any cause the sheriff shall be unable within two months from the imposing of such rate, to levy the whole of the same, or such sum as may be necessary to satisfy the claim, or if the same prove insufficient, the sheriff shall in like manner and from time to time, as often as may be necessary, proceed to strike a new rate and make a new levy, until the claim of such creditor be paid in full out of the proceeds of the same;

New rates until creditor is paid in full.

10. Upon the completion of the Assessment Roll under either of the preceding subsections, the sheriff shall give public notice (according to form G in the Schedule hereunto annexed) in at least one newspaper published in the English language, and one newspaper published in the French language, that the said Assessment Roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or rate are required to pay the amount thereof to him, at his office, within ten days from the

Notice by Sheriff.

the date of the last insertion of the said notice in the said newspapers, provided that the said notice shall have at least four insertions in each of the said newspapers ;

If the rate be not paid by any party.

11. If at the expiration of the said ten days any assessment, tax or rate remain unpaid, the said Sheriff shall leave or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or rate, and shall at the same time, in and by a notice annexed to such statement (according to form H, in the Schedule hereunto annexed), demand payment of the assessment, taxes or rate therein mentioned, together with the costs of the service of such notice ;

As to persons residing out of the city.

12. The provisions of the next preceding subsection shall not apply to persons residing beyond the limits of the said city but such persons shall be bound to pay their assessments, taxes or rates within ten days after the public notice mentioned in the tenth subsection of this section, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business ;

Levy on persons failing to pay.

13. If any person neglects to pay the amount of assessments, taxes or duties imposed upon him, for the space of fifteen days, after such demand made as aforesaid, the Sheriff shall levy the same, with costs, without any warrant being necessary, by the seizure and sale of the goods and chattels in his possession, subject to the present exemptions by law, wherever the same can be found within his district; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or rates and costs, out of the proceeds thereof; provided always that any party having any hypothecque, lien or privilege upon property real or personal, out of the proceeds of which the said corporation shall be paid any assessment, and which shall have accrued in respect of other property, such party shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said corporation at the time of such payment in respect of such other property as to such assessment; but the Recorder's Court shall have power to amend or revise such assessment, tax or duty in each individual case, provided it shall be required in writing so to do within ten days after such demand has been made by the sheriff, and not otherwise ;

Proviso.

Notice before selling goods.

14. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Sheriff shall give public notice (Form I) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place in his office at least forty-eight hours previous to such sale.

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15. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or rates levied for and the costs attending the seizure and sale, the surplus shall be returned to the debtor, or to the person in whose possession such goods and chattels were when the seizure was made, and no deduction tax or duty whatever shall be retained by the Sheriff out of the amount payable to the creditor for his debt, interest and costs; which shall be forthwith paid over by the Sheriff to the creditor, and as to any surplus, the Sheriff shall retain the same for eight days after the sale, during which time oppositions may be filed, and if oppositions be filed, the same shall be disposed of in the usual manner; if any balance remain in the Sheriff's hands at the end of one year from the disposal of the oppositions or the date of the sale, he shall turn it over to the treasurer of the city for the general purposes of the corporation;

Application of
proceeds of
sale.

Balance in
Sheriff's hands.

16. It shall be competent for any person or persons who may be creditors to the extent of twenty-five thousand dollars or upwards, in respect of interest overdue, in addition to any other remedy which under this or by any other Act or law he might exercise to apply by summary petition, after ten days' notice, to the Superior Court, or to any judge in vacation in the like form and conditions provided by the third subsection of the present section of this Act, for the appointment of a receiver, and such receiver shall have full power and authority as such in his own name to sue for, collect and receive from the Sheriff or from the corporation, or any officer thereof, and from all persons liable to pay any rates or taxes, all moneys due by them or in their hands, to an amount sufficient to pay the sum due, or to become due to the persons seeking his appointment; and it shall be competent for the court or judge, from time to time, to confer on such receiver, such other and further powers as may be needful for the fulfilment of his duties, and to enable him to receive, recover and regularly pay over the moneys due to the parties on whose behalf he is named, and also to fix what remuneration shall be paid to him out of the funds of the city;

Creditors for
\$25,000 or
upwards of
interest may
have a receiver
appointed.

Powers of
Receiver.

17. Such receiver shall give security to the satisfaction of the judge or court, to whose orders he shall be in all respects subject; and after his appointment and notice thereof given in at least one newspaper published in French and one in English, no payment of any rate, assessment or sum of money, shall be valid, unless made to such receiver, or to the Sheriff in his behalf; and payment to such receiver or sheriff, shall *pro tanto* discharge the liability of the corporation;

To give secu-
rity.

Payments to
him or to
Sheriff.

18. The appointment of a receiver may take place before any of the proceedings contemplated by the third and following subsections of the present section of this Act, are taken by any creditor or pending or subsequent to such proceedings, and

Receiver may
require Sheriff
to levy special
rates.

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the sheriff shall be bound to recognize such receiver as the representative of the creditor on whose behalf he is named ; and on the request of receiver to enforce and put in execution any or all the powers for assessing, or for the collection of rates or otherwise conferred on the sheriff by virtue of this Act, in the interest for the benefit of creditors ;

When receiver shall be discharged.

19. After the debts due to the creditor at whose instance a receiver may have been named shall have been paid in full, such receiver shall be discharged, and shall be accountable as an officer of the court by which or by a judge of which he was named ;

Provisions to apply to persons advancing money to pay interest.

20. The provisions of this section respecting special assessments, and the remedies which may be taken, shall apply and may be enforced by any person who may have advanced, or may hereafter advance, money to meet the interest heretofore due, or hereafter to become due, by the corporation on any of the bonds mentioned in schedule L.

COLLECTION OF ASSESSMENTS.

Certain provisions to apply to collection of ordinary rates.

21. The provisions contained in the next preceding section of this Act, as respects the collection of special rates and assessments, shall apply to the collection by the corporation of its ordinary rates and assessments annually imposed, except that all the powers thereby given to, and duties imposed on, the Sheriff, shall and may be exercised and performed by the City Treasurer, or by any officer or bailiff of the Recorder's Court authorized by him ; and the said City Treasurer as respects all rates and assessments to be imposed, otherwise than by the Sheriff, is hereby authorized to give the notices, (Form G,) make the demands, (Form H,) and in default of payment to seize and sell, by warrant to be issued by the Recorder's Court, according to Form J annexed to this Act, in manner and form as provided for in the said section ; and in the event of any opposition being filed, the proceedings shall be remitted to the Recorder's Court, which will have full power to act and adjudicate therein, subject to an appeal when an appeal is now granted by law :

As to rates on proprietors *par indivis*, &c.

2. Whenever any contribution, assessment, tax or rate shall have been imposed upon any immovable or movable property, belonging to several coheirs, or possessed *par indivis* by several persons whose names cannot be easily ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment books the name of one of the coheirs or copossessors ; and the coheir or copossessor whose name has thus been inscribed in the said books, shall be held liable for the full payment of the assessment, tax or rate thus imposed, reserving his remedy as by law against his coheirs or copossessors ;

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3. No person assessed shall pay less than one dollar as an annual tax, so that if the amount of his assessment shall be less than this sum, the said corporation shall have the right to exact the said sum of one dollar from every person so assessed ;

No person to
pay less than
\$1.

4. Any assessment, rate, tax or duty to which any immovable property shall be subject in the said city, and which shall be payable by the proprietor, may be enforced and recovered, either from the proprietor thereof or from any tenant or occupant of the said real property, or any part thereof, whether such assessment, contribution, tax or rate shall have become due and payable before occupation by the said tenant or occupant, or whether they shall have become due and payable during the continuation of the lease or occupation ;

From whom
rates may be
collected.

5. But the tenant or occupant shall only be held liable for the amount of the sum by him due for the rent or occupation of the said premises, reckoning from the day of the signification of the action to this effect ; and only during the continuation of his lease or occupation, and at the ordinary dates of payment of the rent, fixed by the lease or agreement between him and the proprietor ;

Liability of
tenant.

6. Each payment of any sum whatsoever thus made by the tenant or occupant shall discharge him in an equal amount towards the proprietor, unless by the lease or other agreement the tenant or occupant shall have bound himself to pay such contribution, assessment, tax or rate ;

Tenant's
recourse.

7. But no judgment obtained or execution issued against any one proprietor, tenant or occupant shall exclude or prevent any suit, judgment or execution against the other, for the payment of such rate, tax, assessment or contribution, if such payment cannot be obtained from the party who has been prosecuted, or against whom legal proceedings have been taken in the first instance ;

Recourse
against other
parties saved.

8. In case the Corporation is unable to recover from the tenant or occupant of real property in the said city, the proportion of taxes imposed upon such real property which is payable by him, the proprietor of the real estate shall be liable therefor, and the Corporation may exact and recover the whole amount of the assessments, rates and taxes from such proprietor ; but in such case proceedings must be taken by the corporation for such recovery before the thirtieth day of April, in the year for which such taxes are due ;

Liability of pro-
prietor.

9. As respects all taxes hereafter to be imposed, in case the goods and chattels of any person liable to pay any rate or tax shall not suffice to pay the same, the lands and tenements of such debtor may be sold for the payment of such rate or tax, whatever amount the same may be, in the same manner as is

If the goods and
chattels are
insufficient,
real estate may
be sold.

now

Certain provisions of law to apply.

now prescribed in the Lower Canada Consolidated Municipal Act with respect to the sale of lands for non-payment of taxes; the provisions contained in the twenty-first, twenty-second and twenty-third subsections of the fifty-ninth section, and the first, second and third subsections of section sixty-one of chapter twenty-four of the Consolidated Statutes for Lower Canada shall apply to the sale of real estate for taxes due to the said corporation, in so far as the same are applicable; and all the other provisions contained in subsections three to fourteen, inclusive, of the sixty-first section, with reference to the re-sale, the redemption, the nature of the hypothèque, the effect of the sale, and the deed and form thereof, shall, as amended by subsequent Acts, apply to the sale of land for the taxes in City of Quebec, in the same way and as fully and effectually as if the whole of the provisions above referred to of the said last mentioned Act were inserted in and made part of this Act;

Rates to be privileged debts.

10. All taxes, assessments, whether general or special rates, water rates or duties, due to the said corporation shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall in the distribution of the proceeds of the sale of property, whether real or personal, of any person so indebted to the said corporation, be so held and adjudged by all courts of justice, and by all commissioners and other persons having jurisdiction in insolvency in Lower Canada; this privilege shall not require to be registered, and shall extend over the current and the preceding year;

Registration not requisite.

Prescription for rates.

11. The right of action of the said corporation for the recovery of past and future assessments, taxes, or other municipal duties due, whatsoever, shall be barred by a prescription of two years, to be computed from the day on which such assessment, tax, water rate or due became payable, and the said prescription is an absolute bar;

Provisions to apply to water rates.

12. The foregoing provisions respecting the collection of assessments shall apply to the collection of water-rates imposed by the corporation under the thirty-sixth section of this Act, as fully and effectually as to the other rates and assessments imposed by this Act.

EXEMPTIONS FROM TAXATION.

Educational and charitable institutions exempt.

25. The property of any incorporated institution for education, or charitable purposes, occupied and used for educational or charitable purposes, and also all other property by such institution leased for the aforesaid purposes, or occupied as schoolhouses by the School Commissioners of the said city, shall be exempt from taxation, and such houses or properties so occupied are also exempt from tenants' tax.

POWERS OF THE COUNCIL GENERALLY.

AUDITORS—THEIR APPOINTMENT AND DUTIES.

26. In the month of February, in each year, the council shall appoint two auditors, chosen from among the persons having the qualifications prescribed by this Act, to fill such office: Appointment.

2. No person shall be capable of being elected auditor unless he shall have been a resident householder within the City of Quebec for one year next before his election; Qualification.

3. No member or officer, or *employee* of the city council shall be appointed auditor; Disqualification.

4. Any vacancy occurring in the office of the auditor shall be filled up by the council; Vacancies.

5. Any person who shall refuse to accept the office of auditor shall be liable to a penalty of two hundred dollars; Refusal to Act.

6. Every auditor, before acting as such, shall take, before the mayor, the oath of allegiance and of qualification mentioned in Schedule E appended to this Act and of which it forms part; Oath of office.

7. Immediately after the first day of August, the first day of November, the first day of February and the first day of May, in each year, the auditors and also the members of the council appointed for that purpose by the mayor, shall examine the treasurer's accounts of the city for the preceding quarter, with all vouchers and papers connected therewith, and certify them correct, if they shall be so, and return them to the said city treasurer; Audit of Treasurer's accounts.

8. In their report to the council in May, in each year, the auditors shall declare upon oath whether the city treasurer has or has not complied with the requirements of the present Act with regard to the sinking fund. Report; as to sinking fund.

OTHER POWERS.

27. The city council shall be invested with all the powers and authorities possessed or vested in the Court of Quarter Sessions, or Justices of the Peace for the District of Quebec, any of them, before the incorporation of the said City of Quebec, within the limits of the said city, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, dams, causeways, pavements, drains, ditches, embankments, watercourses, sewers, market-houses and weigh-houses, and other public buildings or erections within the said city, and also for, touching and concerning the dividing of the said city into divisions, City Council, invested with certain powers formerly vested in Quarter Sessions, &c.

and

and the appointment of overseers of highways, streets and bridges, provided that such powers and authorities shall not be inconsistent with the provisions of this Act; and all real and personal property within the said city, and which were at the time of the passing of the said Act of Incorporation, under the control and authority of the said Justice of the Peace, or any of them, have become and shall be subject to the powers, authority, control and direction of the said council :

Committees.

2. The council may appoint committees, composed of a certain number of its members, for the discharge of the duties within its jurisdiction, but such committees shall be subject in all things to the approval, authority, and control of the said council ;

Books relating to the City.

3. The council shall have the right to demand and cause to be delivered, and receive all books, plans, deeds, documents and papers, relating to the City of Quebec, which were in the custody of the Justices of the Peace, before the incorporation of the said city ;

Licenses to taverns, &c.

4. The council shall grant licenses to keep taverns, hotels or houses of public entertainment, under the restrictions imposed by the general laws of the Province ;

Giving Recorder cognizance of malfeasance of officers.

5. The council may by a resolution cause the Recorder of the City of Quebec to take cognizance of all matters mentioned in such resolution, whether it relates to any alleged malfeasance, violation of deposit, or other improper conduct, of any of its members, officers, employés or contractors, in so far as such acts shall have been committed by the offender in his capacity of member, officer, employé or contractor, or whether it relates to the good government, or the administration of any portion of the public affairs of the said city ; and the Recorder shall thereupon make an investigation, and he shall have, for this purpose, all the powers given by the thirteenth chapter of the Consolidated Statutes of Canada, to commissioners named by virtue of the said chapter, and he shall report to the said council the result of such investigation with all possible diligence.

Powers of Recorder in such cases.

CONTRACTS ENTERED INTO BY CORPORATION.

Contracts over \$500 to be notarial and with security on real property.

28. In the case of any contract exceeding ^{two} five hundred dollars made by the said corporation, or the committees of the council of the said city, the said contract shall be executed before notaries, and the party contracting with the corporation shall furnish as securities, two or more persons, one of whom shall be a proprietor of real estate, who shall bind themselves jointly and severally with the contractor, in favor of the said corporation, for the due execution of the said contract ; the surety being the proprietor shall produce a certificate from the Registrar of the county or division of county in which his property

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property is situated, that the said property is free from all debts and hypothecs, to at least an amount sufficient to secure the execution of the contract; the said sum shall be stated in the contract, and the real property of the surety described therein, and the said contract shall create a privileged hypothec in favor of the said corporation, and any contract entered into in violation of this provision shall be *ipso facto* null and void.

CITY BY-LAWS.

POWER OF THE COUNCIL FOR THE PASSING OF.

29. The city council may, at any meeting or meetings thereof at which not less than two-thirds of the members thereof are present, make one or more by-laws for the following purposes, that is to say:

1. For the good order, peace, security, comfort, ~~improvement~~ ^{Peace, good order, &c.} ment, cleanliness, internal economy and local government of the said city; for the prevention and suppression of all nuisances, and of all acts, matters and things in the said city, opposed, contrary or prejudicial to the order, peace, comfort, morals, health, amelioration, cleanliness, internal economy or local government of the said city;

WATERING STREETS, &c.

2. For imposing an additional tax of five cents in the pound ^{Tax for water} on the annual value or rent of real property, upon the proprietors and tenants of those parts of the city, in which at least two-thirds of such proprietors and tenants shall ask for the imposition of such tax to defray the expense of watering, sweeping or taking away the snow from such place or street;

DAMAGES BY MONS.

3. For imposing a special tax upon proprietors of real property in the said city, in order to pay the damages which any mob, or tumultuous assemblages of persons disturbing the peace of the city, shall have caused to any private property; and if such By-law shall not be passed within six months following the day on which such damages or injury shall have been so occasioned, the person so injured shall have a right of action against the said corporation;

MARKETS.

4. For changing the sites of markets and market-places, and to establish others, and any person injured by such act of the the council shall have a legal recourse against the corporation;

Clerks of
markets, &c.

5. For regulating the powers of the clerks of the markets, and every thing relating to the markets; the St. Paul's market, established by the ninth George the Fourth, chapter-fifty-three, and the landing place of the St. Paul's market belong to the said corporation who represent the Trustees and Justices of the Peace;

Prevention of
fire-stalling.

6. For preventing the purchase and sale, by any person whomsoever, of any produce or provisions, meat, fowls or other article whatsoever, intended for the public markets of the said city, in or upon any street or public place, or any yard, house or building, or any other place whatsoever in the said city, in which farmers or other persons coming to the said markets, deposit or store their produce, provisions, meats, fowls or other articles or effects whatsoever, before bringing them to the said markets; or on the wharves or on the steamboats or other craft whatsoever, lying beside the wharves of the said city, and in which the produce, provisions, meat or other articles or effects whatsoever are brought in order to be sold on the markets of the said city.

HEALTH OF THE CITY.

Boards of
Health.

7. For establishing Boards of Health;

Their powers
and duties; 12
V. c. 116.

(So soon as the corporation shall have established Board of Health, such Boards may take cognizance of the causes of disease, and shall have all the powers and privileges conferred upon them by the twelfth Victoria, chapter one hundred and sixteen;)

Contagious
diseases.

8. To limit the number of persons in each house, in time of cholera, typhus fever, or other contagious diseases; and also with respect to wearing apparel, and other articles susceptible of communicating any such infectious disease;

Tariff of fees.

9. To make a tariff of fees to be paid to persons employed by the Board of Health established by the corporation;

Disinterments.

10. To regulate disinterments which shall be effected under the directions and control of the person or persons appointed, with the concurrence of the council, by the police committee of the corporation;

Burials and
burial
grounds.

11. To prevent the establishment of new burial grounds within the city limits; preventing burials in the said city, and closing cemeteries therein, on payment of a reasonable indemnity to the parties interested.

REGULATION OF WEIGHTS AND MEASURES, &c.

Fire-wood, &c.

12. For regulating the weighing or measuring of firewood, coal, salt, grain and lime;

of the markets,
St. Paul's market,
chapter-fifty-three,
belong to the said
Justices of the

13. To regulate the weight and quality of bread, with the Bread,
right of declaring forfeited, and forfeiting, all bread of light
weight or of bad quality.

PREVENTION OF ACCIDENTS BY FIRE.

14. The council may make by-laws for preventing accidents Fires.
by fire;

15. For governing and controlling all persons present at Fires com-
fires; and establishing fire companies for the protection of panies.
property;

16. To name and appoint all officers or persons necessary Officers.
for the execution of the by-laws;

17. To defray the expenses which may be deemed right to Engines, &c.
incur for the purchase of engines, or apparatus of any kind,
for the purpose of preventing fires;

18. To cause to be demolished and removed all buildings Demolishing
and fences which shall be deemed necessary to be demolished, buildings, &c.
or taken down, in order to arrest the progress of any fire;

19. To prevent thefts and depredations at fires; Depredations.

20. To punish any person who shall maltreat any member, Punishing
or officers, or employé of the said council, in the execution of offenders.
his duty, or who shall resist, interfere with, or prevent him
from executing the same;

21. To defray the expenses incurred by the said Council in Assisting per-
assisting any person in their employ, who shall receive any sons injured in
wound or contract any disease at any fire, or in assisting the their employ.
family of any person in their employ who shall perish at any
fire, or in consequence of any wounds or injuries received
thereat, and for rewarding any person who shall have performed
any meritorious action at any fire;

22. For establishing a judicial enquiry into the cause and Enquiring into
origin of fires, for which purpose the council shall have the origin of fires.
power to compel the attendance of parties and witnesses before
them, under pain of fine or imprisonment, or both, to examine
them on oath to be taken and sworn before the Mayor, and to
commit for trial, on the Mayor's warrant, any party or parties
against whom any well grounded cause of suspicion may be
found, of their having wilfully or maliciously originated such
fire or fires;

23. The said council may also prescribe or regulate the Construction of
manner in which houses or buildings shall be erected, in order buildings as
to prevent accidents by fire, and may regulate the construction, regards acci-
18 dents by fire
dimensions

dimensions and height of chimneys, and specially in the cases of houses or buildings erected above other houses or buildings which they may adjoin, by whom, at whose expense, in what manner, to what height, and within what time, the chimneys of the less elevated houses and buildings shall be raised so as not to endanger the adjoining or neighboring houses ;

Storage of Petroleum, &c.

24. To regulate or prevent, within the limits of the city, the storage of Petroleum, coal-oil, and explosive or inflammable substances of the like nature ;

Chimneys-sweeping.

25. To compel the citizens to have their chimneys swept by licensed chimney-sweepers, in certain ways and at certain times ;

Tax on Chimneys.

26. To impose a tax upon chimneys, to provide funds for the chimney and fire departments ;

Fire works.

27. To prohibit the sale of fire crackers, fusees, Roman candles, serpents, and all other fire-works, of what kind or sort soever ; and also, any projectile or missile made of powder ;

Licensing chimney sweeps.

28. The council may grant licenses to chimney sweeps, and fix the tariff of fees therefor ; as soon as the council shall grant licences for this purpose, no person shall sweep chimneys without a license ; and any person who shall in such case sweep chimneys without a license, or exact a higher rate than that fixed by the said tariff, shall be liable to a fine of five dollars ;

Fine for not having chimneys swept.

29. The occupant of any house of which the chimney shall take fire shall be liable to a fine not exceeding five dollars, unless it be proved that such occupant complied with the regulations respecting the sweeping of chimneys.

ROADS, STREETS, VACANT LOTS, WHARVES.

Good order of streets, &c.

30. The Council may also make by-laws respecting the cleanliness, security, tranquillity, good order and management of any street, square, promenade or public garden or wharf in the said city, and the accommodation and security of persons passing, or of other persons in or upon such street, square, promenade or public garden or wharf ;

Fencing and draining property, &c.

31. For obliging and compelling proprietors and occupants of real property, to enclose the same, and to keep the same clean and free from filth and dirt, and to make the necessary drains, sewers and privies on such property ;

Defining height of fences, and materials.

32. And for fixing the height of the said fence and the materials of which it shall be constructed, to compel the proprietor or his agent to level the soil thereof, within a delay to be fixed

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by such By-law ; if within the said delay the said persons or any of them neglect to conform to the provisions of the said By-law, or if such property is vacant and its proprietor is unknown or absent from the District of Quebec, the said council may order the officer charged to see to the execution of the said By-law to cause the said land to be fenced, cleansed or drained at the costs of the proprietor, and the said costs shall be a privileged claim and may be recovered from the said proprietor, agent, tenant, or occupant, by action of debt before the Recorder's Court, saving the recourse of such agent, tenant or occupant against the proprietor ;

Penalty for
non-compli-
ance.

33. For directing and requiring the removal of the snow from the streets, lanes, public squares, and roofs of houses and other buildings, and also of any filth, dirt, or other nuisance, offensive to, or prejudicial to public health, or of any door-steps, porches, railings or other projections into, or obstructions in any public street, lane, or public square, by and at the expense of the proprietors or occupants of the real property in or on which such projection or obstruction, filth, dirt, or nuisance shall be found, which said expense shall be sued for and recovered by action of debt in the Recorder's Court ;

Removing
snow, dirt, &c.

34. For lighting the said city or any part thereof ;

Lighting.

35. For altering the level of the footpaths or sidewalks ; and persons injured by such alteration to have legal remedy against the corporation ;

Levels of side
walks.

36. To pull down, demolish and remove, at the expense of the proprietor, or occupant thereof, any buildings, walls, fences, or other buildings and erections encroaching on streets or public places, and any old, dilapidated or ruined walls, chimneys or buildings ; which said expense shall be sued for and recovered in the manner set forth in the thirty-third paragraph of the present section ;

Removing
encroachments.

37. The said corporation shall regulate all that relates to roads, bridges, canals, sewers, water-courses, drains, beaches, and public places within the limits of the said city ;

Roads, bridges,
canals, &c.

38. Proprietors or occupants of houses or buildings or other real property, in or under which any drain, canal or water-course may pass, shall be bound to keep the same in good order, under the penalty of twenty dollars at most, and not less than four dollars ; If after eight days' notice given to them by the City Surveyor, in writing, or by such notice being left at their domicile or place of business, and given to any reasonable person of their family, or in their employ, they shall not do that which they are hereby bound to do, such surveyor may cause the same to be done at their cost and charges, and which may be recovered from them by the Corporation, by an action for

Proprietors or
occupants to
keep drains,
&c., in order.

Penalty for
default.

debt before the Recorder's Court, of the said city, together with the costs of such action ;

LICENSES, DUTIES, &C.

Tax on vehicles
in which articles
are sold.

39. The Council may also make by laws for imposing duties or taxes upon vehicles in which any provisions, meat, merchandize, or any thing shall be sold, exposed or offered for sale in the said city, or on any person selling, exposing or offering for sale such provisions, meat, merchandize or other effects in the said city, in baskets, boxes or any other manner ;

Licenses for
certain callings.

40. To compel all butchers, bakers, hucksters, pedlers, carters, bateaumen, canoemen and porters, residing in and carrying on their trade or business in the said city, to take out licenses and numbers, which said licenses and numbers, the said corporation is empowered to issue, and charge reasonable fees therefor ;

The same if
resident outside
the city.

41. To compel all butchers, bakers, hucksters, pedlers, carters, bateaumen, canoemen and porters, residing without the city limits, but carrying on their trade or business within the limits of the said city, to take out licenses and numbers, which said licenses and numbers the said corporation is empowered to issue, and charge reasonable fees therefor ;

Where only
meat may be
sold.

42. No person shall be permitted to sell, offer or expose for sale any meat whatsoever, except in the stalls of the market of the said city, or of any other building appropriated for that purpose by the said corporation on pain of a fine not exceeding one hundred dollars for each offence ; but the city council may, if they deem it advantageous for the said city, by a by-law to be passed for that purpose, empower any person to sell, offer or expose for sale any meat in any place beyond the limits of the said market or market stalls of the said city, upon such person obtaining a license for that purpose from the clerk of the said city, for which he shall first pay to the city treasurer such sum not exceeding one hundred and twenty dollars, as may be fixed by such by-law ; the said license shall only be valid for one year, to be computed from the date thereof ; and any infraction of this provision respecting such license shall be punished by fine not exceeding one hundred dollars ;

Except on
special license.

Penalty.

Officers may
demand to see
license, &c. ;
fine for refusal.

43. Any officer or police constable may command any person hereinabove mentioned to show him his license, and on his refusal, or if he has no license, then such officer or constable shall bring the said person before the Recorder's Court, if then sitting, to be by the said court disposed of according to law ;

Recorder's
Court be not
sitting.

44. If the said court be not sitting, and that the person thus by him arrested cannot give good and sufficient bail before the clerk of the said court or his deputy, or before the said officer or

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or constable of police, for his appearance before the said court, at its next sitting, or if such person refuses to pay the amount of the tax or rate by him due, such person shall be detained in one of the police stations of the said city until the next sitting of the said court ;

45. The bail in the next preceding subsection mentioned shall be eighty dollars ; and if the conditions of the admission to bail, or any one of the same, be not fulfilled, the said sum shall belong to the said corporation, and may be sued for against the surety or sureties by an action before the Recorder's Court, and levied in the manner prescribed by law ;

Amount of
bail ; forfei-
ture.

46. If the said person appear, the court on the admission of such person, or on proof of the offence, shall condemn such person to pay a fine not exceeding eighty dollars ; and in default of immediate payment of the said fine, and of the costs, the said person shall be imprisoned and detained in the common gaol of the district of Quebec, for a period not exceeding two months, unless the said fine and costs, together with those of imprisonment, be sooner paid ;

Imposing and
enforcing fine.

47. To oblige all persons selling or offering for sale in the streets, squares or public promenades of the said city, any merchandize, object, article or effect whatsoever, to obtain from the said council a license for that purpose, which license shall be valid during the period fixed, and shall be given by the officer named for that purpose by the said By-law ; And, for the price or cost of such license, there may be imposed a rate not exceeding the sum of twelve dollars ;

Licences to sell
any article in
the streets.

48. To compel every person keeping horses or vehicles for hire in said city, to obtain a license for that purpose from the said council by paying for such license a sum not exceeding forty dollars ;

Or to keep
vehicles, &c.,
for hire.

MASTERS AND SERVANTS.

49. For the ruling and governing of masters, mistresses, apprentices, servants, employees and journeymen ;

To make rules,
&c.

50. The said council shall, as regards the conduct and regulation of masters, clerks, apprentices, servants, hired persons and laborers in the said city, be invested with all the powers contained in the provisions of chapter twenty-seven of the Consolidated Statutes for Lower Canada, and may impose, by any By-law which it may make on this subject, a fine not exceeding forty dollars, for the contravention of any disposition of such By-law ;

To have
powers under
c. 27 Con. Stat.
L. C.

51. Every prosecution or complaint, in virtue of such By-law, shall be brought before the Recorder's Court of the said city, and

Jurisdiction of
Recorder's
Court.

and shall be heard and decided in conformity with the law which regulates the said Court ;

Powers under
c. 27 aforesaid.

52. The said Recorder's Court, relative to the annulling of any engagement, as aforesaid, shall possess and exercise the powers conferred by the said chapter twenty-seven of the Consolidated Statutes for Lower Canada, in the cases referred to in the said chapter, and also the powers conferred on Justices of the Peace by sections six and eight of the said chapter ;

Fine on ser-
vants, &c., not
performing
their engage-
ments.

53. Any clerk, servant, hired person or laborer who, having been engaged in conformity with the provisions of the said Act or of the By-laws of the said council, refuses or neglects, without just cause, to perform the said engagement, or who, after having entered into such engagement, and before beginning his term of service in conformity with the said engagement, contracts another engagement with another person, shall, on conviction, be liable to a fine not exceeding ten pounds ;

PUBLIC POUNDS.

Impounding
animals found
at large.

54. The council may also make by-laws to authorize all officers or constables of police of the said city, to conduct into any public pound, in the said city, now established or which shall be established by the said council, any horse, cow, pig, sheep, goat or ram, which may be found straying in any street, or public square, garden or public promenade or wharf in the said city, or without any proper person taking care of the same ; and any such animal shall remain in such pound until it has been claimed by the proprietor, who shall pay such fine as shall be determined by the by-laws made for that purpose, as also the cost of keeping and feeding such animal ;

Sale, if not
claimed in
eight days.

55. If such animal be not claimed within eight days following the day upon which it shall have been taken as aforesaid, it shall be sold by public auction, after notice given to that effect in the French and English languages, and the proceeds of the said sale shall be remitted to the treasurer of the said city, who shall remit the same to the proprietor of the said animal after deducting the fine and the costs of keeping and feeding ;

Proceeds how
applied.

56. If the proprietor does not present himself within the six months following the said sale, the balance of the proceeds thereof, belonging to the said proprietor, shall be placed by the said treasurer to the credit of the said city, to form part of the funds of the said city ;

Cleaning
privies, &c.

57. To compel every proprietor, tenant or occupant of any house or building or immoveable property in the said city, to
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clean and empty each and every water-closet or privy in such house or building, or on the ground upon which such house or building is erected, and to close in such privy, and to make and repair such closing and covering each time it shall be deemed necessary by the road inspector of the said city ; reserving the remedy of such tenant or occupant who shall have the right of deducting from the price of the rent or occupation, every sum by him justly expended in obeying the order of the said inspector.

58. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, garden, field, yard, passage, or lot of ground, or any other unwholesome or nauseous house or place whatsoever, to cleanse, remove, or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city ; to prohibit any person bringing, depositing or leaving within the city limits any dead body, or any dead carcass, and to require the removal of the same, or any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same, and recover the amount by action of debt before the said Recorder's Court ;

Removal of
other nuis-
ances.

59. To prohibit, if deemed necessary by the said council, the erection in the said city of all soap and candle, or oil or oil cake factories, slaughter houses, dyeing establishments, cement factories and other factories or establishments wherein work, operations or processes is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety ; but the said council shall have power also to permit such erection, use or employment, subject to such restrictions, taxes and duties, limitation and conditions, as the said council may deem necessary ; and the council may require the obtaining of a license for which they may demand a sum not exceeding ten dollars ;

Prohibiting
slaughter houses,
and offensive
factories.

CRUELTY TO ANIMALS.

60. The said council may also make by-laws and regulations for punishing persons who shall ill-treat, ill-use, over-drive or over-load any animal, and also ;

By-laws for
preventing.

PUBLIC ORDER.

61. To suppress or regulate houses of prostitution, houses of ill-fame, disorderly houses or houses reputed as such, in the said city, and to make, in this respect, any By-law necessary for public tranquility, order, decency, and morals ; and to impose

Houses of
ill-fame.

Fine.

impose for every infringement of the provisions of such by-law, relating to the said houses, a fine not exceeding one hundred dollars, which shall be recovered by the corporation of the said city, by a complaint brought before the said Recorder's Court against the person being the mistress of or occupying such house, on proof of the offence; And in default of paying the said fine and the costs of the prosecution, the said person shall be imprisoned and detained, at hard labour, in the common gaol of the district of Quebec, for a period not exceeding four months, unless the said fine with costs and those of imprisonment be sooner paid;

Cock-fighting, &c.

62. To prohibit cock-fights, dog-fights, or fights of other animals, and all cruel amusements in the said city, and all games whatsoever in the streets or public squares, gardens or public promenades, or wharves in the said city;

Closing shops on Sunday.

63. To prevent any person whatsoever, (druggists excepted) from selling or retailing, or causing to be sold or retailed, or exposed for sale on Sundays, any effects, merchandize or things whatsoever; and to punish every infraction of such By-law by fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding two months, or both, in the discretion of the court which shall hear the complaint;

Fine.

Closing taverns, &c., at certain times.

64. To cause every house or building whatsoever, licensed or unlicensed, in the said city, in which spirituous liquors, wines, beer or temperance liquors are sold, to be closed from nine o'clock on every saturday evening, until six o'clock on the morning of the following monday; and to compel the closing of every such house or building, whether licensed or unlicensed in the said city, in which spirituous liquors, wine, beer or temperance liquors are sold, from ten o'clock at night of each day until five o'clock in the morning, from the twenty-first day of March to the first day of October, and from nine o'clock at night until six o'clock in the morning from the first day of October until the twenty-first day of March in every year, and for punishing any infraction of such By-law by fine not exceeding sixty dollars, or by imprisonment for a term not exceeding two months, or both, at the discretion of the Court hearing the complaint;

Racing or furious driving.

65. To prevent horse racing or furious driving in the streets of the said city, and any race or trotting match or otherwise on any highway or public road within a radius of nine miles beyond the limits of the said city;

Gaming.

66. For suppressing, or regulating and taxing all gaming and gaming-houses;

DOGS.

Vicious dogs.

67. To punish, by fine, every person who shall keep or have in his possession a vicious dog, biting or attacking the passers-by

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or other persons, or who shall keep any other vicious animal, ferocious or dangerous, to the safety, or obstructing and disturbing the tranquility of the citizens or of others in the city; and that the said dog or other animal be shut up or killed, or cause to be killed, or destroyed, at the cost and charge of the proprietor or persons keeping the same.

68. To award damages, not exceeding forty dollars, to any person bitten or wounded by such dog or animal, and the prosecution for the said fine or damages shall be brought before the said Recorder's Court, and heard and judged according to the laws which regulate the said Recorder's Court;

Damages for injuries by dogs.

If the person thus bitten or wounded be a minor of less than sixteen years of age, in such case the action and damages shall be brought in the name of the father, or mother, or tutor of such minor;

If person hurt be a child.

69. To compel the owners and persons in charge of dogs to put collars on such dogs, with the name or names of the owner or persons in charge thereof legibly inscribed thereon;

Collars on dogs.

HORSES, CARTERS, &C.

70. To punish by fine the owner, keeper, or driver of any horse found in any street, lane, wharf, or other public place in the city, without any competent person being in charge thereof;

Horses left alone.

71. And by such by-law, the master proprietor or possessors of any such horse may be prosecuted personally and condemned for any infringement of the provisions of this by-law, whether the said infringement has resulted from the action of the said master, proprietor or possessor, or from the act of his domestic, servant or other person whosoever in his service, or to whom he may have loaned or leased the said horse;

Penalty, whether injury arise or not.

72. For the good government and discipline of carters, and for establishing carters' stands in the said city; and to make, change and alter a tariff of fees to be taken and charged by such carters; and upon all persons hiring out horses or vehicles in the city;

Carters and carters' stands.

And by any by-law so made, any person exercising the calling of carter may be held responsible for each and every violation of the said by-law committed by such carter or by his hired men or servants, whether the said violation arises from the act of the said carter, or from the act of any such hired men or servants, and may be prosecuted and punished in conformity with the provisions of such by-law; But nothing contained in the present clause, or in the one immediately preceding, shall prevent the person by whom such act has been committed from being prosecuted and punished by virtue of the by-laws mentioned in said clauses.

Damages from misconduct of carters.

FERRIES AND FERRYMEN.

73. The Council may also make By-laws,—

Regulating
ferries.Tolls and
licenses.Appropriation
of licence fees.

To regulate the ferries and ferrymen on the River St. Lawrence between the said City of Quebec and any place within the distance of twelve miles from the said city; to fix the tolls to be charged and exacted by the said ferrymen; grant licenses to the said ferrymen and fix the price or sum to be paid for each license and the period at which the same shall be renewed each year—one half of the said sum shall belong to the Corporation of the City of Quebec, and the other half to the respective municipalities to which the said ferries extend; to impose a penalty for all infringement of such by-law;

Council may
grant exclusive
right of ferry to
Levis, after
public auction.

74. But nothing shall prevent the said Council, if found more advantageous to the said city, from passing a by-law to authorize the sale and adjudication by public auction of the exclusive right of ferrying passengers, merchandise, animals and other property whatsoever, between the said city and the town of Lévis during a period not exceeding nine years; the said by-law fixing and determining the day, the hour and place where the said sale shall take place, the upset price, and the conditions upon which the said sale shall be made; the adjudication shall be made to the highest and last bidder, and the sum for which the last bid shall have been given shall be the amount which the purchaser shall be bound to pay annually, during the term for which the same shall have been adjudged, at the period to be fixed by the said by-law; a deed of the said sale and adjudication shall be passed before notaries between the said corporation and the purchaser; the latter shall be bound to furnish two or more securities, proprietors of immovable property, who will bind themselves jointly with him towards the said corporation for the payment of the said sum, and for the execution of all the clauses, conditions and stipulations set forth in the said deed; the said securities shall furnish a certificate from the Registrar of the county or division of county in which the immovable properties of the said securities shall be situated, stating that the said properties are clear of all debts or mortgages, or at least to the amount of the said sum; the designation and description of the said properties shall be set forth in the said deed, and the said properties shall remain hypothecated in favor of the said corporation;

Adjudication for
want of deed
and security.

75. If, within the four days which shall follow the said adjudication, the purchaser has not furnished the securities required as aforesaid, or should he neglect or refuse within the same delay to sign the said deed, the said sale shall be null and void, and the mayor of the said city shall order, without any other formality, another sale and adjudication, without prejudice to the legal recourse of the said corporation against the preceding purchaser;

76. The amount arising from such sale as aforesaid shall be divided between the said corporation and the municipality to which the said ferry shall extend ;

Division of proceeds.

77. The said council may, by the by-law authorizing the said sale and adjudication, make such rules and regulations for the convenience and safety of the passengers and the mode of crossing, by fixing the time and number of the crossings to be made each day, and may impose a penalty not to exceed forty dollars for any infraction of the provisions of such by-law ;

Safety of passengers, numbers of crossings, &c.

ICE BRIDGE OVER RIVER ST. LAWRENCE.

78. To prohibit any person from preventing, in any manner whatever, the ice from stopping and forming a bridge on the River St. Lawrence, from Montmorency River as far as and comprising the place called *Cap Rouge* on the said river, or from breaking, shattering or damaging in any manner whatsoever, all such ice or ice bridge formed or stopped in the said limits, and to punish by a penalty, not exceeding eight hundred dollars, all infringement of any of the provisions of all by-laws passed to that effect ; which said penalty shall belong to the corporation of the said city, and may be sued for in a summary manner before the Recorder's Court of the said city ; and in default of payment of the said penalty and the costs, the defendant shall be imprisoned at hard labor for a time not to exceed three months, unless the fine and costs and those of imprisonment be sooner paid ; and to that end the said court has the power to summon the transgressor, although he may reside without the limits of its jurisdiction, to appear before the said court to answer to the charge brought against him to defend and be judged in conformity with the law which governs the said court ;

Prohibiting any impediment to formation of ice bridge.

Penalty and how enforced.

Power of Court.

WHARVES.

79. To regulate and fix the rental to be recovered by the said corporation, for all wharves, the property of the said corporation ;

Fixing rent.

CATTLE STANDS.

80. To authorize the sale by public auction, if the said council finds it more advantageous, and cause to be adjudged to the last and highest bidder, each year, at the period which shall be fixed by the by-laws made to that effect, for one year, the cattle stand and weigh-house, or other sources of revenue of all or any of the markets in the said city, and fix the conditions of such sale and adjudication ; but the purchaser shall be bound to furnish two securities, proprietors of immovable property situate in the said city ; which securities shall present a certificate from the Registrar of the County of Quebec, showing that the said properties are free from all debts or mortgages at least to the amount of the said adjudication ; the said securities

Selling cattle stands in markets by auction.

Purchaser to give security on real property, &c.

Or the sale to
be null.

securities shall bind themselves jointly with the purchaser for the payment of the price of the said adjudication and the execution of all the conditions of the said adjudication ; a deed of the said adjudication shall be passed before a notary and the said securities shall give and cause to be inserted the designation and description of their said properties, and the said deed shall carry a privileged mortgage in favor of the said corporation ; if in the four days which shall follow the said adjudication the deed is not executed and completed in the manner above mentioned, the said adjudication shall be null, and the council shall order to proceed, without any other formality, to another sale and adjudication, reserving, however, the legal recourse of the corporation against the purchaser.

FEES OF OFFICERS OF COUNCIL.

By-laws.

81. The said council is also authorized to make, in conformity with the law, one or more By-laws :

Fees to officers
of the Council.

82. To fix and determine the fees to be exacted and levied by the respective officers of the said council, for any service by them done or rendered, at the demand of any person, or for searching for, making copies or extracts from any By-law or document whatsoever, of which they respectively have charge ;

To belong to the
City.

83. The said fees shall form part of the funds of the said city ; but no fees shall be exacted in those cases in which the law obliges the said council or its officers to give, gratuitously, copies, extracts or communication of any By-law or document.

GENERAL PROVISIONS RESPECTING BY-LAWS.

Form of pass-
ing.

Publication,
&c.

30. Every by-law shall be read thrice by the said council, at regular and separate meetings, before being finally adopted, and submitted to the Governor in Council ; and after having undergone the first reading it shall be published at length in an English newspaper and in a French newspaper published in the said city, and be followed by a notice indicating on which day such by-law shall receive its second reading, and an interval of at least three clear days shall elapse between such notice and such second reading :

Proof of By-
laws.

2. All copies written or printed, of any by-law, rule or order of council, certified by the city clerk, produced before the said Recorder's Court, or any court of justice, shall be held authentic until proof to the contrary ;

Present By-
laws, &c., con-
tinued till re-
pealed.

3. All rules, regulations, by-laws or orders heretofore legally made by the said city council, or heretofore legally made by the Justices of the Peace, or any other competent authority, and now in force, shall continue to be in force in the said city, until they shall have been abrogated and annulled ;

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4. The by-laws now in force in the said city, or which may in future be in force within the limits of the said city, shall be considered public Acts, and knowledge shall be had of them by every Court, Judge and person whatsoever, without it being necessary to allege them specially ;

To be deemed public Acts.

5. A certified copy of every by-law adopted by the city council, shall be transmitted by the city clerk to the Governor General who, during the three months following may disapprove of them, and such disapproval shall render such by-law null and void, in the same way that every by-law is null and void which is repugnant to any law of the province ; but if this disapproval of the Governor shall not be signified to the city council, such by-law shall continue to have full force and effect, unless contrary to any law in force ;

To be transmitted to Governor, who may disapprove.

6. The council may, for the punishment of the infraction of any by-law, impose a fixed or variable fine or penalty, and imprisonment in default of payment, and leave it to the discretion of the court to determine the amount of such fine or penalty, the time of payment, and the term of imprisonment ; the fine or penalty shall not in any case exceed forty dollars, and shall be sued for and recovered in the manner and form prescribed by the law regulating the Recorder's Court of the said city, and the imprisonment shall not be for a longer period than two calendar months, unless a different penalty or imprisonment be fixed by law ;

Discretionary fines, &c., may be imposed.

Limitation.

7. The council may authorize any officer or constable of the police to enter any house, building, yard, premises or other locality whatsoever in the said city, to ascertain if any infringement of the laws or by-laws now in force or which may hereafter be passed by the said council is being therein committed ;

Authorizing entry by police, &c.

8. Whoever shall refuse admission to any officer or constable as aforesaid, or who shall resist his visiting any house, building, yard, premises or other place as aforesaid, in any case in which such officer or constable is authorized by a by-law to demand and exact such admission, or who shall use insulting language towards him, or shall assault and strike him, shall incur, on conviction for the said offence, a fine not exceeding twenty dollars, which said fine shall be sued for and recovered in conformity with the law ;

Penalty for refusing admission.

9. Unless it be otherwise enacted by the present Act, the said council, by any by-law which it may make by virtue of the provisions of the present Act, may impose, for every infringement of such by-law, a fine not exceeding forty dollars, which fine shall be sued for and recovered before the said Recorder's Court, in conformity with the law ;

General limit of fines.

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Recognizances
under this Act.

10. All recognizances in penal matters, taken and received in virtue of the present Act, shall hold good if taken before the Recorder's Court, the Recorder, or a Justice of the Peace of the District of Quebec, and shall be subject, as to forfeiture before the said court, to all the proceedings required for the forfeiture of recognizances before courts of criminal jurisdiction.

THE POLICE FORCE.

To be under
control of a
Board.

31. The police force now established in the said city shall, after the passing of this Act, be under the control of a Board consisting of the Mayor, the Recorder, and the Judge of the Sessions of the Peace for the said city, of whom two shall be a quorum, who shall fill all vacancies that may occur in the said force, and have power to appoint and dismiss the men of the said force from time to time; the number of men appointed to compose the said force shall not at any time be less than at present engaged; but the City Council shall have power to increase such number from time to time, as they may deem expedient:

Police to obey
the Board.

2. The said corps of police shall be under the exclusive control of the said Board, and shall obey—as shall also every man belonging to the said corps—all lawful orders of the said Board and of the Recorder's Court of the said city;

Funds for
police purposes.

3. The said Board shall receive from the funds and revenues of the said city all sums necessary to clothe, equip, arm and lodge the said corps of police or any portion of the same;

Police men to
be constables.

4. Every man forming part of the said corps shall be called a constable of police, and shall have all the powers and privileges attributed by law to constables; and shall be subject to the same responsibility in the exercise of the powers imposed upon him by the present Act; and this provision shall apply to all officers of the said corps;

To be sworn.

5. Before entering upon his functions, every officer or man of the said corps shall make oath, before the Recorder's Court of the said city, (Form F of this Act) to fulfil well and faithfully the duties imposed upon him in his said capacity;

Discipline.

6. The said Board shall make all the by-laws necessary for the organization and discipline of the said corps;

Duties of police.

7. The said constables of police shall keep watch, day and night, to maintain good order and the public peace; to enforce the observance of all laws, rules, by-laws and ordinances in force in the said city, and to prevent misdemeanors and felonies in the said city;

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8. The powers of the said constables shall extend to the whole of the District of Quebec; but they cannot act outside the limits of the city unless with the written authority of the Board, or by the order of the Recorder's Court;

Extent of
jurisdiction.

9. No constable of police shall leave the said corps before the expiration of the period of his engagement, unless he shall have been dismissed; and in all cases in which a constable shall cease to form part of the said corps, he shall cease to possess the powers conferred upon him by this Act;

Men to serve
their term of
engagement.

10. Every constable of police, when, in the execution of his duty, shall arrest on view any vagrant, idle, loitering, loose and disorderly person whom he may find disturbing the public peace, or whom he has just reason to suspect of some evil design; or,

Arresting
vagrant, &c.

11. Every person whom he shall find lying or loitering in any field, road, street, yard or other place whatsoever in the said city, and not giving a satisfactory account of his presence in such field, road, street, yard or other place; and he shall conduct such person to the nearest police station, there to be detained until the next sitting of the Recorder's Court (if the said court be not then sitting) to be judged according to law, unless such person shall give, before the officer or constable having command or care of the said station, good and sufficient security for his appearance before the said court at its next sitting;

Or loiterers not
giving good
account of
themselves.

12. And any person whom he may find committing any offence against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, and the Acts amending the said chapter;

Or offending
against c. 108
of Can. Stat.
L. C.

13. The said Recorder's Court, on due proof of the offence, according to the law which regulates the said court, shall condemn any of the persons mentioned in the three next preceding subsections, (to pay a fine not exceeding forty dollars, and, in default of immediate payment, to an imprisonment, with or without hard labor, for a space of time not exceeding four months, unless the said fine and all costs shall be sooner paid;

Fine on such
Persons.

14. Every officer or constable of police shall, both by day and by night, arrest on view any person infringing a By-law, order or ordinance in force in the said city, and conduct him before the Recorder's Court (if the said court be sitting), there to be judged according to law;

Persons seen
infringing by-
laws.
Taken before
Recorder.

15. If the said court be not sitting, he shall conduct the said person to the nearest police station, there to be detained until the next sitting of the said court;

If Court be
not sitting.

resident in
the city.

16. If such person reside within the limits of the said city, and is known to the constable of police by whom he was seen committing such offence, or to any other officer or constable of police, in such case such person shall be liberated on his promise to appear before the said court at its next sitting, and if he neglect to appear, he shall be proceeded against by a summons, according to the law which governs the said court ;

Right of police
to enter houses,
&c.

17. Each and every police constable shall have the right to enter and visit any house, building or ground, or any place or house of public entertainment, in order to ascertain whether any infringement of any Act in force in the said city, or of the present Act, is being therein committed ;

Penalty for
opposing entry.

18. Whosoever shall oppose such visit, or who shall refuse to allow the said constable to enter any such house, building or other place as above, or who shall resist, abuse, assault or strike him, in the execution of any duty imposed upon him by the present Act, or any other Act, or any by-law of the said council, shall incur, on conviction, a fine not exceeding forty dollars, or imprisonment for a period not exceeding two months, or both fine and imprisonment together, at the discretion of the court taking cognizance of the complaint ;

Punishment of
policeman
guilty of dis-
obedience, &c.

19. Any police constable who shall be guilty of disobedience, insubordination, drunkenness, negligence, bad conduct, abuse of power, partiality or malversation in the exercise of the duties imposed upon him by the present Act, shall incur, on conviction, for such offence, a fine not exceeding forty dollars, or imprisonment for a period not exceeding two months, or suspension or dismissal from his situation, or several of these penalties at the same time, at the discretion of the court taking cognizance of the complaint ; prosecutions to this effect may be instituted by summons before the Recorder's Court in the name of the Corporation of the City of Quebec, at the demand of the Police Board of the said city, or of any officer of police, or of any person, and no officer or constable so dismissed, shall be competent at any future time to serve in the said police force.

Proceeding in
such case.

ERECTION OF WOODEN HOUSES.

Not to be
hereafter
erected.

32. After the passing of this Act, it shall not be lawful for any person whomsoever to construct or erect any house or building of wood in the said city, or to cover with wood or shingles any house or building :

Chief of police
to report con-
traventions.

2. The chief of police of the said city, shall see to the execution of the foregoing provision, and shall make a report, in writing, to the Recorder's Court of the said city, of any contravention of the same ;

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3. The said court, upon such report, shall order the issue of a writ of summons addressed to the proprietor or possessor of the ground upon which such house or building, in wood, shall have been constructed or erected; or in case such house or building is in process of construction, the said summons may be addressed to the contractor or workman constructing or erecting such house or building; ordering, by the said summons, the person so summoned to appear before the said court, at the place, day and hour mentioned in the said writ, in order to answer the complaint laid in the said summons, and to hear the order that the said house or building erected, constructed or in process of erection or construction, shall, within the delay which shall be fixed by the said court, to be thrown down and demolished;

Proceeding on
such report.

4. The corporation of the said city shall be the plaintiff in the said summons;

Corporation to
be plaintiff.

5. If, on the day of the return of the said summons before the said court, the defendant do not appear, the said court, after proof of the service of the said summons, and on proof by one or more credible witnesses, of the allegations contained in the said summons, shall order, that within the delay which it shall fix, the said house or building be thrown down or demolished by the said defendant; and signification of the judgment to this effect shall be made to the defendant in the ordinary manner;

If the defendan
do not appear.

6. If the defendant appear, the said court, after having heard the witnesses produced by the parties, shall decide according to law;

If he appears.

7. In all cases where the said court shall have ordered the defendant, within a certain delay, to throw down and demolish such house or building,—if, at the expiration of the said delay, the order of the said court has not been executed, the said court, on the report in writing, and under oath (made before the said court), of the said chief of police, shall order that a writ do issue from the said court, addressed to the sheriff of the district of Quebec, instructing him to cause to be demolished, without delay, and by all lawful means, the said house or building;

If demolition be
ordered and
order not
obeyed.

Sheriff to
demolish.

8. The said sheriff shall report to the said court any act or thing by him done in execution of the said writ, and the lawful costs by him incurred for that purpose, which costs, after approval by the Recorder of the said city, shall be paid to him by the treasurer of the said city without other formality;

Sheriff's report
and costs.

9. Any resistance to the said sheriff, or to the persons by him employed, in the execution of the said writ, shall be a

Punishment for
resistance.

misdemeanor,

misdeemeanor, punishable on conviction before a court of competent jurisdiction, by a fine not exceeding four hundred dollars, and in default of payment of the said fine, by imprisonment and detention at hard labor in the common gaol of the said district of Quebec, for a period not exceeding twelve months ;

Costs, how
levied.

10. The costs of summons and proceedings in such cases, as well as those incurred in demolishing or throwing down any such house or building, shall be levied by the seizure and sale of the property and effects, movable and immovable, of the defendant, on a writ of execution issued by the said Recorder's Court, in conformity with the law ;

Buildings not
to be re-covered
with shingles.

11. After the passing of the present Act, any house or building which may be built, re-built or erected in the said city, shall not be covered with wood or shingles ; but any such house or building shall be covered only with sheet-iron, tin, zinc, slate or other incombustible material, under pain of a fine not exceeding two hundred dollars for every infringement of the present provision ; and, furthermore, of a fine of twenty dollars per day for every day during which the said infringement may continue ;

Fine.

How recover-
able.

12. The said fine shall be recovered by the said corporation, by an action of debt, on proof of such infringement established by two or more credible witnesses, and recovered from the defendant in the same manner as other debts, due to the said corporation, may be so recovered on an action brought before the said Recorder's Court ;

Punishment of
chief of police
for neglect of
this duty.

13. If the chief of police neglects to perform the duties imposed upon him by this Act, or if, being required by any person whomsoever to perform the same, he refuses or neglects so to do, the said chief of police, on complaint to that effect brought by any person whomsoever, or by the said corporation, before the said Recorder's Court, shall, on proof of such offence, established by two or more credible witnesses, be condemned to pay, for every such offence, a fine not exceeding two hundred dollars, which said fine shall belong to the said city, and shall, by an action of debt, be sued for and levied in the same manner as hereinabove mentioned.

POWERS OF CITY SURVEYOR WITH RESPECT TO STREETS.

Width.

33. No street, public passage or lane which may hereafter be opened, within the limits of the city, shall be less than thirty feet in width ;

Taking possession
of ground
encroached on.

2. The Corporation shall and may retake possession, without payment of any indemnity of the ground of any street, road, market or other public places, upon which any person may have encroached ;

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TO STREETS.

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8. The City Surveyor and Inspector or Inspectors of roads shall visit the streets, roads, lanes, bridges, market-places, and other places, and generally all the property of the said corporation, and cause all obstructions to be removed therefrom and also all encroachments, by the persons liable or interested therein, by giving such persons notice in writing, either by serving or causing it to be served upon them personally, or by leaving or causing to be left such notice at their domicile or place of business, in charge of a reasonable member of their family, or person in their employ, requiring them to remove and suppress the said obstructions and encroachments, within a reasonable time to be specified in such notice, and in default of their doing so within the time to be so specified, the said inspectors or any or either of them, shall cause the said obstructions to be so removed and the said encroachments to be suppressed, at the cost and charges of such persons, which cost and charges may be recovered, by a suit for debt brought in the Recorder's Court in the name of the said corporation, of and from such persons, together with the cost of such suit or action; and such persons shall further be liable to a penalty, not exceeding forty dollars for non-compliance with such notice;

City surveyor to
cause obstruc-
tions and
encroachments
to be removed.

Notice to per-
sons in default.

Costs.

Fine.

4. Whenever the city surveyor shall deem it necessary that a new foot-way should be laid down or renewed, or repaired in the whole or in part, in front of any house or premises in any street in the city, it shall be incumbent on the proprietor or occupant of such house or premises, within seven days after notice in writing to that effect shall have been served upon him or her, by or at the instance of the said city surveyor, either personally, or by leaving the said notice at the residence or place of business of such proprietor or occupant, and giving the same to a reasonable member of the family, or person in the employ of such proprietor or occupant, which said notice shall require the said proprietor or occupant to furnish and deliver on the spot the necessary deals or planks to repair or to make such footway or renew the same in whole or in part, and to comply with the requirements of the said notice, and in default of such proprietor or occupant doing so within the said delay, it shall be competent to the said city surveyor to cause the said deals or planks to be purchased for any of the purposes aforesaid, and delivered on the spot aforesaid, at the costs and charges of such proprietor or occupant, which said costs and charges shall be recovered from such proprietor or occupant by an action for debt instituted in the name of the corporation in the Recorder's Court, together with the costs of such action; in cases where the occupant, by lease or agreement, is not bound to pay such charges, he shall be entitled to recover the amount of the said deals and planks, and carriage thereof, or the amount of the judgment rendered against him, and costs, from the proprietor or other person bound by such lease or agreement to pay the same, by an action brought to that effect before the said court;

Proceedings for
causing re-
newal of any
footway.

Notice.

Proprietor to
furnish wood
or corporation
at his expense.

Recourse o
tenant furnish-
ing wood.

Persons intending to build, &c., to give notice to city surveyor, before placing materials on street.

5. Any person desirous of building, reconstructing, demolishing or repairing any house, building, enclosure or wall on any street, road, lane, or public place, shall give notice to the city surveyor of the time when such work will be commenced and finished, and obtain from him or other person duly authorized, a permit, stating the width upon any such street, road, lane, or public place, such person may occupy, for placing building material or rubbish thereon, and such width shall not exceed one third of the said street, road, lane or other public place, and shall be enclosed by the person so building, demolishing or repairing, by a wooden fence of at least ten feet high; any person violating any of the provisions shall be liable to a penalty not exceeding forty dollars;

Fine for contravention.

Fee for permit.

6. The said corporation may charge a reasonable fee for such permit to the person to whom it shall be given;

Projections over streets, &c., prohibited.

7. It is strictly prohibited to have any gallery, window, portico, staircase, sign, or other obstruction, extending or projecting from any house or building into or beyond the line of any street, road, lane or public place in the said city, and the city surveyor shall, without previous notice, cause any such to be removed at the expense of the proprietor of such house or building; which said costs and charges shall be recovered by an action of debt by the said Corporation before the said Recorder's Court;

Removal thereof.

Winter roads.

8. From the first day of November until the first day of May in each year, the proprietors or occupants of houses, lots or vacant spaces of ground in the city, shall keep in repair and good condition, the roads whereby their property is bounded on every side, conformable to the regulations which may be in force.

GENERAL PLAN OF THE CITY.

City Council to cause plan to be prepared and deposited in office of City Clerk.

34. The city council shall, within three years, cause to be made a general plan of the city, and such plan shall be deposited six consecutive months in the office of the city clerk, for the inspection of the public; notice of such deposit shall be given by the city surveyor once a week during the said six months, in French and in an English newspaper published in the said city; and the day on which the homologation of such plan will be applied for shall be mentioned in such notice; whoever shall consider himself aggrieved by the said plan, or shall find such plan erroneous in any particular, shall file an opposition before the Recorder's Court, before the said day fixed for the homologation thereof, and the said court shall decide summarily, and award costs in favor of or against such opposant according to law and justice; if the plan shall be approved and confirmed, the clerk of the said court shall mention it on the said plan, and thereupon such plan shall be binding for and against all persons.

Corrections, and homologation: its effect.

EXPROPRIATION

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EXPROPRIATION FOR PUBLIC IMPROVEMENTS.

35. The council of the said City of Quebec shall have full power and authority to provide by a by-law of the said corporation for opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city funds, or that the costs thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in, or benefited by, the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the corporation of the said city and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening streets, public squares, markets, or other public places, or for continuing, enlarging, or improving the same, or a portion of the same, or as a site for any public building to be erected by the said council:

By-law authorizing public improvement and at whose cost.

Taking land for such improvement.

2. All corporations or bodies, and all husbands, tutors, guardians, curators *grévés de substitution*, or trustees who are or shall be seized or possessed of, or interested in, any piece or pieces, lot or lots, of ground or real property within the said city, selected and fixed upon by the said council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom, or in trust for whom they are, or shall be, seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert*, or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of, or in pursuance of this Act, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances;

Certain parties enabled to convey to corporation.

3. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof,

In case the party and the council cannot agree upon the compensation to be paid.

or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

Notice by post to the party last assessed for the property : and in newspapers.

4. The corporation of the said city, by their attorney or counsel, shall give a special notice addressed through the Post Office to the person in whose name the property was last assessed on the Assessment Roll, as proprietor at his actual or last known domicile, and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that they will by and through their said attorney and counsel present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the District of Quebec, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*) ; and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition ; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof ;

Petition to Superior Court or Judge to appoint three commissioners to fix compensation for all property taken.

Court or judge to appoint.

5. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report ; Provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable grounds being shown to that effect ;

Proviso.

Commissioners appointed bound to Act, under penalty.

6. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said

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Superior Court to inflict upon each of the said commissioners upon proof of his or their refusal or neglect to perform the said duties; but the exemptions provided for, in behalf of certain persons, by the Statute for Lower Canada, relating to juries, shall apply equally to any of the said commissioners, who may appertain to any one of the classes of persons mentioned in the said Statute;

Exemptions.

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7. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map shewing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated;

To be furnished with plan.

8. The said commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked K; and they shall be invested with the same powers and intrusted with the same duties as are conferred by the laws in force in Lower Canada upon *experts* in reference to appraisements; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties;

Oath of office.

Powers.

Remuneration.

9. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds; and upon their failing to comply with such demands, the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested; and the amount of the said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation;

Power to compel production of title deeds.

10. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the city council or for the damages caused by such expropriations; and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected, required for any improvement which the said council may have ordered to be made and carried out at one and the same time; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation; but the said examination and interrogatories shall be made *visd voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage

Duties of commissioners in fixing compensation.

Hearing parties and witnesses.

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Proviso: in case of difference of opinion, majority to decide.

or custom to the contrary notwithstanding; provided always, that if, in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

If only part of any property be taken.

11. In every case wherein the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation;

If the commissioners fail to perform their duties, they may be removed and others appointed.

12. If one or more of the said commissioners, at any time after their appointment, shall fail in the due performance of the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the corporation of the said city, by its attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and replace the commissioner or commissioners who may have forfeited or violated his or their obligations; and upon such petition the said court or judge may issue such orders as may be deemed conformable to justice;

If either of the commissioners die, &c.

13. In case any of the said commissioners should, after being appointed, die or be unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect to be presented by the corporation of the said city, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

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14. So soon as the said commissioners shall have completed the proceedings relating to the appraisalment, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, or who may consider themselves aggrieved by the said appraisalment, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said commissioners to maintain or modify, at their own discretion, the appraisalment made by them of any piece or parcel of land or real estate as aforesaid ;

Public notice of
decision of
commissioners.

Hearing parties
aggrieved,
Corrections.

15. On the day fixed in and by the judgment appointing the said commissioners, the corporation of the said city, by their attorney or council, shall submit to the said Superior Court, or to one of the Judges thereof respectively, the report containing the appraisalment of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinafter provided for have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal ;

Homologation
of Report of
commissioners
which shall
then be final.

16. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said city, hereinbefore provided for, or if any street, public place or square shown and designated on the said plans or maps, shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever, shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the fourth subsection of the present section, shall have been posted upon the said pieces or parcels of land or real estate as aforesaid ;

No compensa-
tion for build-
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17. The corporation of the said city shall, within fifteen days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages

Compensation
awarded to be
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Court: effect of
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damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter in possession of, and use the same for any of the purposes authorized in and by this Act; any law, statute or usage to the contrary notwithstanding;

Compensation to represent the property as regards charges on it.

18. Any expropriation made in virtue of the present section shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgages or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act;

Court to call in creditors, &c., of parties entitled to compensation.

19. When the money shall have been deposited and consigned in the hands of the Prothonotary, in accordance with the provisions of the seventeenth subsection of this section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; Provided, always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors), the amount of such price, or compensation and damages shall not be subject to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost whatsoever;

Proviso: not to be subject to tax.

Proviso: provisions to apply to compensation in certain other cases, where land is not taken.

20. All the provisions contained in the fifth and following subsections of the present section of this Act, with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said council, in the level of

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of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, or to any party by reason of any other act of the said council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said corporation shall not agree ; and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without further formality ; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city surveyor the level of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee ;

In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging, or otherwise improving the said streets, squares, market-places, or other public places, or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes ; Provided, nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place or site for any public building, in case the proposed improvement applies to both sides of such street, square, market-place or site, as aforesaid ; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days previous to the day fixed as aforesaid on which the said commissioners are to begin their operations ; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more ;

Corporation
may take more
than the extent
actually re-
quisite.

Limitation.

Proprietor may
object, and
then the provi-
sion shall not
apply.

22. The corporation of the said city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act, for similar improvements within the limits of the said city ; Provided, always, that

Corporation
may improve
streets, and
acquire land
beyond the
limits of the
City.

Provido: con-

sent of municipality required.

that before exercising any of the powers conferred upon it, by the present section, the said corporation shall obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid;

Corporations whose property is taken may acquire other property.

23. Corporations, ecclesiastical or civil, whose property or any part of whose property, shall be conveyed to, or taken by the said corporation of the City of Quebec, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same, without Her Majesty's Letters of Mortmain, any law to the contrary notwithstanding;

Assessment of costs of improvement on parties benefited.

24. So soon as the report of the said commissioners shall have been confirmed and ratified by the said Court, or by one of the judges thereof, as the case may be, conformably to the fifteenth subsection of the present section of this Act, it shall be the duty of the assessors of the said city, in all cases where the said council may have ordered, in conformity with the first subsection of the present section of this Act, that the cost of the said works or improvements shall be borne in whole or in part by the proprietors or parties interested, benefited or to be benefited by the said improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the by-law of the said council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited, by such improvement; and the said assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement;

Basis of assessment.

Deposit of special assessment Roll.

25. Immediately after the completion of the said special assessment roll, the said assessors shall deposit the same, duly certified, along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the city clerk, for the examination and inspection of all parties interested; and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said city, which notice shall have at least two insertions in one newspaper published in the

Notice.

French

French language, and a like number of insertions in one newspaper published in the English language; and every proprietor or interested party may, within fifteen days from and after the last insertion of the said notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said assessors may, and they are hereby empowered, to maintain or modify, at their discretion, the special assessment roll; provided that the delay of fifteen days aforesaid once expired the said special assessment roll shall, of right, be confirmed and become in force by the mere lapse of time;

Parties aggrieved to be heard.

Corrections.

Delay for corrections.

26. The special assessment mentioned in the next preceding subsections may be recovered by the corporation of the said city in the same manner as any other tax or assessment which the said corporation are authorized to impose by this Act;

Recovery of such assessment.

27. The duties assigned to the said assessors by the twenty-fourth and twenty-fifth subsections of the present section may be performed with the same force and effect by the concurrent majority of the said assessors; and in every case where a difference of opinion may arise between the said assessors, the decision of the majority of all the assessors shall have the same force and effect as if the whole of the said assessors had concurred therein;

Majority of assessors may act.

28. The mode prescribed in the preceding subsections for expropriations, and for levying and determining special assessments, shall have force and effect, and shall be followed and applied, only as regards works and improvements which the council of the said city may hereafter order to be carried out;

Preceding provisions to apply to future improvements, only.

29. It shall be lawful for the council of the said city to order, by by-law, certain works or improvements in the streets, public places or squares of the said city, such as dressed-stone paving, flagstone or brick footpath or side-walks, or grading, and to defray the cost of the said works or improvements out of the city funds, or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such streets, public places or squares in proportion of the frontage of the said real estate respectively; and in the latter case it shall be the duty of the city surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court;

Council may order dressed-stone footpaths, &c.

Cost, how payable and how assessed.

Who shall be deemed absent.

30. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of the present section;

Bailiffs may serve notice under this section.

31. Any bailiff of the Superior Court for the district of Quebec may serve and post up the notifications required by the present section, and make a return thereof under his oath of office.

THE CITY WATER WORKS.

Corporation may construct water works and to what distance beyond the City.

32. And whereas it is necessary to consolidate and amend the law relating to the water works of the City of Quebec; it is enacted that the corporation of the City of Quebec is authorized to make, erect, construct, repair and maintain, in the City of Quebec, and without the limits of the said city for a distance of twenty-five miles, water works, together with all appurtenances and accessories necessary to introduce, convey and conduct throughout the said city and parts adjacent a sufficient quantity of good and wholesome water, which the said corporation is authorized by the present Act to take and distribute for the use and supply of the inhabitants of the said city and the parts thereto adjacent; and also to improve, alter or remove the said water works or any part or parts thereof; and to change the site of the several engines and places or sources of supply thereof; and also to erect, construct, repair and maintain all the buildings, houses, sheds, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the said city and parts adjacent thereto:—For this purpose the said corporation may purchase, hold and acquire any lands, tenements and immovable estates, servitudes, usufructs and hereditaments in the said city, or within a circuit of twenty five miles from the limits of the said city; and also to make contracts for the acquisition of lands necessary for the said water works; acquire a right of way whenever it may be necessary; pay any damages occasioned by such works either to buildings or lands; enter into and make agreements and contracts with any person for the construction of the said water works in whole or in part; superintend and direct the works completed; name and appoint an engineer and all officers and laborers necessary, and fix their salaries or wages; enter during the day-time, upon the lands of private individuals for the purposes aforesaid and also make excavations and take and remove stones, soil, rubbish, trees roots, sand, gravel, and other materials and things, but by paying or offering a reasonable compensation for the said materials and things, and by conforming in all things with the provisions of this Section;

Powers for this purpose.

The said rights may be assigned and re-purchased.

3. The said corporation may assign and make over, for a period not exceeding twenty years, all the rights and privileges conferred by the present section, and may re-purchase them after having been so assigned.

3. All bodies politic or corporate, or corporate or collegiate corporations, aggregate or sole, communities, husbands, tutors or guardians, curators, *grevés de substitution*, executors, administrators and other trustees or persons whatsoever, are authorized to sell to the said corporation such lands, tenements, servitudes, usufructs and hereditaments, which the said corporation may require for the purpose of the present section, and which they may be possessed of in their present qualities; they may also agree with the said corporation in the same way as private individuals, respecting all matters relative to the works mentioned in the tenth and eleventh subsections of the present section; and all contracts, agreements, references to arbitrators, sentences and verdicts rendered for or against them, shall be equally binding upon those whom they represent, wherever the property or interests of such may be concerned;

Parties enabled to convey to the corporation for water works.

4. The Governor in Council may grant or give to the corporation, on such condition as he may deem expedient, beach, lots or ground covered by water, to enable the said corporation more fully to carry this Section into effect;

Governor, &c., may grant beach lots, &c.

5. The said corporation, after having paid or offered or deposited the municipal value of any real estate it may require for the purposes of the present section, may enter upon and take possession of the same in virtue of the present section, but not unless such payment, offer of payment or deposit shall have been made;

Corporation may take possession on certain conditions.

6. Whoever shall not accept the offer made in writing by the said corporation for lands, servitude, right of way, or other thing or dependency thereof, may agree with the corporation to refer the subject in dispute to *experts* or arbitrators; and the award of such *experts* or arbitrators shall be final and binding in all matters, the value of which shall not exceed one hundred dollars, but in all matters, where the award shall exceed this sum, the dissatisfied party may appeal to the Quarter Sessions of the District of Quebec, at the next following sitting thereof, after the rendering and publication of the said award, otherwise the sentence or award shall be final and binding; and the costs shall be paid by the party against whom the *experts* shall award them; if there be any appeal the Court shall refer the question of compensation to a jury, and the costs of appeal shall be paid by the appellant if the verdict of the jury shall confirm the said sentence, and by the respondent if the contrary be the case.

Reference to arbitrators or experts if parties and corporation do not agree.

Appeal.

7. If the corporation and the party who shall not accept the offer of the corporation shall not agree respecting the nomination of the *experts*, the said party shall name one and notify the corporation of the fact, and call upon the corporation to name the second *expert*, and if the said corporation shall not choose him within three days after the date of such demand, of if the *expert* appointed

Nomination of experts by corporation and party.

Third expert
how appointed.

appointed or chosen by the corporation shall refuse to act within three days after his appointment, one of the Judges of the Superior Court for Lower Canada, residing in Quebec, shall, upon the petition of the dissatisfied party, upon proof upon oath of one credible witness that the facts are such as above recited, name an *expert* for the said corporation, and the said two *experts*, before acting shall name a third expert, and if they should not agree upon the choice of such third *expert* the said Judge shall name him, upon the request of the dissatisfied party, and all that is mentioned in the next preceeding subsection with reference to the award of the arbitrators, the right of appeal and costs of appeal, shall also apply to the award of the *expert* named in virtue of the present section.

Deposit of compensation if the
title be doubtful.

8. If there shall be any doubt as to whom the compensation for any real estate required by the corporation shall or ought to be paid, or to whom the offer of payment ought to be made, the corporation shall in such case deposit the amount of the said compensation in the hands of the Prothonotary of the said Superior Court, at Quebec, to abide the judgment of the said Court relative to the distribution of the said sum among the parties who shall be entitled thereto; and the said Court shall prescribe the mode of calling in all parties interested, and make such order or decision in relation to the same as in its discretion shall seem just and reasonable;

Provisions to
apply to servitudes.

9. The preceding subsections shall apply to the case where the said corporation shall desire to exercise a right of way or servitude, or cause works to be done on any private property; the corporation shall have the power to exercise these rights, or cause such work to be done, after payment, or offer of payment, or deposit of the amount of indemnity that it may deem reasonable in such case, and if the parties interested shall not agree with the said corporation respecting the amount, or the award and choice of the *experts*, the proceedings above mentioned shall be followed according as the case may be;

Power to open
the ground on
roads, &c.

10. The said corporation shall have power to dig, break up and remove the soil, fences, sewers, drains, pavements, gravelled ways, of any public highways, roads, streets, squares, hills, market places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, tollgates, enclosures, ditches, walls, boundaries, and other passages and places, but making or causing no unnecessary damage, and to enter upon and make use of any private lands, and use the same, and to dig and sink branches, and lay and drive pipes, appurtenances and accessories thereof, and to widen common passages, for the laying and fixing of pipes and all such matters and things as may be necessary thereto, and necessary to convey the water to houses, or other buildings, and also to alter, repair, replace and maintain such pipes, and other materials, and works, and finally make and do any other act, as shall or may be necessary or expedient for the purposes of the present section;

And to lay
pipes.

General
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11. It shall be lawful for the said corporation to pass pipes along the outside of any house or other building, to furnish water to any other property, and open and unpave common passages, and make trenches to lay pipes and other appurtenances and accessories, and in such case shall indemnify the proprietors for any damage occasioned to, or, sustained by them;

Passing pipes along buildings, passages, &c.

12. Whoever, having the right to do so, shall open or cause to be opened any trench, shall take care to preserve a free and uninterrupted passage through the street or place, while the works are in progress, and shall fill up the trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay; and shall cause the place where the ground shall be opened, or broken up as aforesaid, to be fenced or guarded with lamps, or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of a fine or penalty of twenty dollars, to be recovered before the Recorder's Court, by summary process and upon oath of one credible witness; this fine shall not deprive any person injured by the said excavation of a right to an action of damages against the corporation;

Free passage along roads, &c., to be preserved.

Openings to be lighted and watched.

13. The said water works and the accessories thereof shall be so located and maintained as in nowise to endanger the public health or safety;

Location of works.

14. Whoever, not having any right thereto and without the authority of the Council of the said city, shall take or use, in any manner whatsoever, water from the said water works, shall incur, on conviction for the said offence, before the Recorder's Court of the said city, a fine not exceeding one hundred dollars, and in default of payment of the said fine with costs, shall be imprisoned and kept at hard labor, in the common gaol of the district of Quebec, for a period not exceeding three months, unless the fine, costs of prosecution and of imprisonment, be sooner paid.

Penalty for using water without authority.

15. If any person shall bathe, or wash, or cleanse anything in any of the reservoirs, cisterns, ponds, lakes, basins or fountains from whence the water to supply the said city is obtained or conveyed, or shall throw or put any filth, dead carcass, or other noisome or offensive thing therein, or cause, or permit the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other annoyance or derangement to be done to the said water, such person shall be liable for each offence to a fine not exceeding one hundred dollars of which one-half shall belong to the said corporation, and the other half to the informer, which said fine shall be levied in the manner prescribed by the next preceding subsection; if the said Recorder's Court, before which shall be brought any complaint

Penalty for bathing, &c., in water in reservoirs, &c.

Imprisonment in addition.

for the commission of any of the offences above mentioned, shall deem it expedient, the offender shall be condemned, in addition to the fine, or fines above mentioned, to an imprisonment not exceeding three months in the common gaol of the District of Quebec;

Penalty for
impeding the
corporation in
the said works.

16. If any person shall prevent the said corporation, or any person employed by the said corporation, from erecting, repairing or completing any of the works of the said water works, or from exercising any of the powers and rights accorded by this section, or shall embarrass or shall interrupt the use in the exercise of such rights, or cause any injury to the said water works, apparatus or accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said water works, or the apparatus, or accessories thereto belonging, or any portion thereof, or shall cause the same to be done by others, such person shall be liable, in addition to the punishment prescribed by the present section, to the damages that the said corporation shall or may suffer from any or all of such acts, and the said corporation may recover such damages by complaint or suit before the said Recorder's Court, and on the evidence upon oath of any credible witness, with costs of suit;

Damages in
addition.

Penalty for
furnishing
water from
water works to
others; or
wasting it.

17. The said corporation shall have the power to make by-laws or orders prohibiting, upon pain of fine not exceeding forty dollars, or an imprisonment not exceeding one month, or both, any occupant of a house or any other real property or of any part thereof, supplied with water from the said water works from furnishing water to others, or from using it otherwise than for his own use, or for increasing the supply of water agreed for, or from wasting it;

Supply of water
and payment
for it.

b. The corporation shall also have the power to make by-laws or orders, to regulate the time, the mode and nature of the supply of water from the said water works, to those to whom it ought to or shall be furnished, the price of the water, the time and mode of payment; and all and every matter or thing having reference to the said water works, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city a regular and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said corporation with regard to the water to be so supplied;

Preventing
frauds.

Inspecting
houses, &c.,
furnished with
water.

18. The said corporation shall have power to appoint one or more Inspectors empowered to enter, at all reasonable hours, into any house or building, and upon lands traversed by the water of the said water works, and to examine the cocks, pipes, service conduits, cisterns, reservoirs, or apparatus placed in such houses, buildings, lands and the dependences thereof, and the entrances and examinations shall be regulated and determined by the by-laws for this purpose made, or

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to be hereafter made, by the said corporation, and to which the said inspectors and all other persons residing either permanently or temporarily in the said city shall conform and submit, under such penalties as may or shall be fixed or prescribed by the said by-laws, and the fine in such case shall not exceed forty dollars, and the imprisonment shall not exceed two months in the common gaol in the District of Quebec; both these penalties may be imposed together, or one or the other only, at the discretion of the Court;

Penalty for
impeding
inspectors.

19. As soon as the corporation is ready to furnish water to the city or any part of the city, they shall declare it by a resolution of the city council, which resolution shall be published three times in one English and one French newspaper published in the said city, and after such publication all proprietors, tenants and occupants of houses or other immoveable property, within the said city, shall pay to the said corporation an annual rate or assessment not exceeding three cents in the dollar upon the assessed annual value of their houses or other immoveable property; and on all houses and other immoveable property in the said city to which the corporation is ready to supply the water of the said water works, whether the proprietors, tenants or occupants thereof consent or not to receive the said water, the corporation may levy and collect an additional annual rate or assessment not exceeding seven cents in the dollar upon the assessed annual value of the houses or immoveable property supplied with water, and this over and above any special rate or tax hereinafter provided for; the said rate or assessment shall be fixed by a by-law of the corporation;

Notice when
the corporation
is ready to
furnish water.

General water
rate thereafter.

Additional rate
on houses to
which water is
ready to be
supplied.

To be fixed by
by-law.

20. If the assessed annual value of any property, or part of any property, provided with water from the said water works shall be less than forty dollars, the proprietor, tenant or occupant shall pay to the corporation a fixed annual rate or assessment of five dollars as and for the price of the said water;

Least rate to be
\$5 per annum.

21. The said council, by one or more by-laws to be made as aforesaid, may impose a tax or special taxes on each horse, cow or other animal supplied with water from the said water works; or

Special rates
for water used
for certain
purposes.

b. On each steam-engine fed by the water of the said water works, and on each other engine worked by the said water; or

c. On each court house, gaol or other public establishment supplied with the water of the said water works; or

d. On each theatre in the said city; or

e. On each hotel, boarding-house, coffee-house, restaurant or other house of public entertainment in the said city to which the water of the said water works is supplied or may be supplied according to law; or

f. On all breweries, tanneries and other manufactories supplied with water for the purposes of their manufactures ;

Cutting off
water for non-
payment of
rates.

22. In each and every case in which any tax or rate for water heretofore imposed by any by-law, or which may hereafter be imposed by the said council, by virtue of the preceding subsections, shall not have been paid within the thirty days following the day on which such tax or rate shall have become due and payable, the said council may order the stoppage or suspension of the supply of water to any such person, institution, establishment, house or building hereinabove mentioned, by whom the said tax or rate may be due ;

Rate still pay-
able.

23. Notwithstanding the stoppage or suspension of the said supply, the said tax or rate shall continue to be due, in future, in the same manner as if the said supply were continued ;

Cost of cutting
off.

24. The cost of stoppage or suspension of the said supply shall be paid by the person, institution or establishment in arrear aforesaid ;

Arrears from
whom recov-
erable.

25. The arrears due as aforesaid shall be recoverable from each and every person, proprietor, occupant, tenant or administrator of any building to whom such water shall have been supplied as aforesaid ;

Jurisdiction of
Recorder's
Court.

26. The said costs, and each and every sum due to the said water works by virtue of the foregoing provision shall be recovered in the Recorder's Court of the said city, in the manner prescribed by this Act ;

As to buildings
in which the
consumption of
water is greater
than ordinary :
agreement may
be made.

27. The said corporation shall have the right to notify any proprietor, tenant or occupant of the brewery, distillery, manufactory, livery stable, hotel, or any building or property in which any steam-engine shall be used, or any building or property in which it shall be considered that there is, or ought to be, more than an ordinary consumption of water, that the corporation does not intend to furnish him with water from the said water works at the ordinary price, and thereupon the said corporation shall and may cease to furnish water to the said proprietor, tenant or occupant, who shall also cease to be held liable for the payment of the said rate or assessment with regard to such property ; but the said corporation and the said proprietor, tenant or occupant, may enter into an agreement, for any period not exceeding ten years, with respect to the rate or price at which the said water shall or may be furnished to the said property ; and any such agreement, being reduced to writing and signed by both parties, shall be valid and binding.

Officers of
Council may
enter to see
that the con-

28. The officers appointed by the council shall, at all reasonable times, have the right to enter upon the premises, in respect of which any such agreement has heretofore been made

or may stipulate property, tanks, more, to filled da be cut of

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30. It occupant public in entertain brewery, industry rent of a such by-l

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32. If ture afore thereon, circulation as afores feited, or such del to defrau pétent ju court, at not less correction

or may hereafter be made, to see that the quantity of water stipulated for by the agreement and no more is furnished to the property, and the said council may, in their discretion, cause tanks calculated to contain such stipulated quantity and no more, to be erected on such property, and cause the same to be filled daily by their officers, and all further supply of water to be cut off from the premises ;

sumption is not greater than agreed upon.

29. The said council is hereby authorized to cause hydrometers to be placed for the purpose of regulating, determining and measuring the quantity of water to be supplied by the said water works, either to every house or building to which the said water is or may be supplied, or to every public institution, court-house, gaol, hotel, house of public entertainment of whatsoever nature, or boarding house ; or to every distillery, factory, manufactory, establishment, or art, trade, commerce or industry of any nature whatsoever, in the exercise of which the water of the water works is or may be used, or to any one of the same ; and the said council may for the purpose adopt any by-law which it may deem necessary ;

Council may cause hydrometers to be used for measuring the water consumed.

30. It may compel each and every proprietor, tenant or occupant of any house or building ; or each and every person, public institution, court-house, gaol, hotel, house of public entertainment of any nature whatsoever, boarding house, brewery, distillery, manufactory, art, trade, commerce or industry whatsoever, as aforesaid, to pay for the fitting up and rent of any hydrometer, such sum as may be determined by such by-law ;

And charge rent for such hydrometer.

31. The said corporation, after notice given during three months in two or more newspapers published in Quebec, and in the *Canada Gazette*, shall have the right to call in the debentures issued for or in respect of the said water works which may be due, and such debentures as shall not be so presented for payment within six months after the first publication of such notice, shall cease to bear interest on and after the expiration of the six months ; the said corporation may, however, renounce to the rights conferred upon it by the present clause in mentioning such renunciation in the debentures ;

Debentures for water works may be called.

Proviso.

32. If any person shall forge, alter or counterfeit any debenture aforesaid, or any stamp, indorsement or writing therein or thereon, or tender in payment or exchange for cash, or put in circulation any such debenture, forged, altered or counterfeited, as aforesaid, knowing that it is so forged, altered or counterfeited, or that any stamp, indorsement or writing upon or on such debenture is forged, altered or counterfeited, with intent to defraud, shall, upon conviction before a court having competent jurisdiction, be condemned, at the discretion of the said court, at hard labor in the Provincial Penitentiary, for a period not less than two years, or in any other prison or house of correction for a period not exceeding two years ;

Punishment for forging debentures, &c.

Application of
revenues from
water works.

33. The revenues of the said water works shall be applied to the payment of the costs of maintenance, and current expenses and the interest of the said water works debentures, and the balance shall form a fund, separate and distinct, to extinguish the capital of the said debentures, after which extinction the revenues of the water works shall form part of the general funds of the city ;

Certain ac-
counts to be
kept by the
corporation as
regards the
water works.

34. The corporation shall keep separate and distinct accounts of the receipts and expenses of the said water works, and shall cause them to be audited by the auditors named in virtue of this Act, and at the same time and as often as the corporation is bound to audit the general accounts of the said corporation ; the corporation shall also publish after the first day of May in each year, in a French newspaper and in an English newspaper in the said city, a statement shewing :

Items of such
accounts.

a. The amount of the revenues and profits of the said water works ;

b. The number of persons supplied with water ;

c. The extent and the value of the movable and immovable property belonging to the corporation for the purposes of the said water works ;

d. The amount of debentures issued and repaid, and the interest paid during the year or remaining due ;

e. The expenses of collection and management and other contingencies ;

f. The salaries of officers and servants employed for the purpose of the said water works ;

g. The costs of repair, amelioration and alteration of the said water works ;

h. The price paid for any real property bought, and the amount received or to be received for any real property sold, in a word, a statement giving a full and perfect knowledge of the affairs of the said water works ;

Limitation of
suits for things
done under the
Act : provision
for protection
of defendant.

35. All actions or suits against any one whomsoever, for anything done under this section, respecting the Water Works shall be instituted within six months after the commission of the act or thing done, or in case of damages, within six months after the damage shall have been done, and the defendant may plead the general issue, offer the present Act in proof, and allege that the act or thing was done under the authority of the present Act, and if this shall appear to be the case, or if the action shall have been brought after the delay fixed by this subsection, judgment

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judgment shall be rendered in favor of the defendant, with treble costs against the plaintiff, who shall also be bound to pay them in case where he shall make default, or discontinue the action or suit, and such costs shall be levied in the ordinary way;

36. And whereas difficulties have arisen as to the correct interpretation of the words "occupied house and store" in the Acts relating to the water works of the said City: it is hereby declared and enacted that the words "occupied house or houses" in the section of this Act, relating to the water works, and in the by-laws of the Council of the said City, have signified, do signify, and shall signify any house occupied as a dwelling or for any other purpose whatever, except as a store; and the words "store and other similar buildings" in the said Act and By-laws have signified, signify, shall be held to and will signify in the said section of this Act, any building whatever used for the storage and sale by wholesale only of merchandise and effects, notwithstanding any matter, thing or enactment contrary thereto in the said Act, Section or By-laws contained; but nothing herein contained shall be considered to affect in any manner any judgment or decision rendered or contract entered into prior to the passing of this Act.

Doubts as to the interpretation of certain words removed.

Proviso.

RESPECTING THE FINANCES OF THE CITY.

37. The fiscal year shall commence on the first day of May and shall end on the thirtieth day of April in each calendar year, both days inclusive, and the assessments, rates, taxes and duties imposed and levied each year shall be held and considered as being for that period:

Fiscal year.

2. It shall be the duty of the corporation, or the proper officers or servants thereof, forthwith and as soon as possible after the passing of this Act, to prepare an estimate of the expenditure necessary to be made for interest, sinking fund, and all other requirements of the city up to the first day of May next, and forthwith to impose such rate or rates as may be requisite and necessary in addition to the rate or rates in the assessment Books for 1865 to meet such expenditure, and to collect the same as in and by this Act is directed and provided;

Estimate of expenditure for interest, sinking fund, &c., to be made, and rate imposed.

3. It shall be the duty of the council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the year then next by providing—

Appropriation to be made to meet such expenditure.

a. For the payment of the interest, and sums required for the sinking fund on all the debt due by the said city;

b.

b. For the general and ordinary expenses of the city ;

c. For the sums required for contemplated improvements for which no special assessment is required ;

d. For a reserve of not less than five per centum to meet unforeseen expenditure ;

4. Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended ;

5. It shall not be lawful for the said council to expend beyond the amount so appropriated, and the amount of the other sums at their disposal, out of the receipts of the current year, except in cases and under the conditions hereinafter set forth, but the council may, by a vote of two-thirds of their number, at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure ;

6. The corporation shall, nevertheless, have power to issue new bonds for the purpose of meeting or paying off an equal amount of bonded indebtedness falling due at any time, subtracting therefrom the proportion of the sinking fund applicable to such maturing bond, but not in any way to increase the amount of their debt ; provided that any new bond so to be issued shall express on the face of it, that it is so issued for the purpose of renewing or meeting the amount of some other bond to be designated on such new bond to be so issued ;

7. In cases of urgent necessity, the said council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said city ;

8. No debt contracted by the said body corporate, beyond the amount of the receipts from the preceding year added to the balance of former receipts, which shall not have been expended, shall be recoverable from the said body corporate, but the same may be recovered from the member or members of the corporation personally, who authorized the incurring of the said debt ;

9. If the City Treasurer or other person pay any such debt out of the funds of the corporation, he shall be personally liable to repay the same into the funds of the corporation ;

Amount,
limited.

Appropriation
not to be ex-
ceeded.

Exception.

New bonds
may be issued
to pay those
falling due.

Proviso.

Provision for
urgent cases.

Excess recove-
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councillors, not
from the city.

Liability of
Treasurer.

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10. Any Elector of the said body corporate may take proceedings in the Superior Court sitting at Quebec, to recover the amount for which the Mayor, Members of Council, or Treasurer, or other person referred to in the foregoing subsections shall be liable, and the said Court shall, if the facts be proved, pronounce judgment ordering the amount for which such Mayor, Member of Council, City Treasurer or other person is liable, to be paid over to the proper officer of the said body corporate to form part of the funds thereof, with costs, provided always that such proceedings shall not be taken before such Elector shall have deposited the sum of one hundred dollars with the Prothonotary to meet the costs should he fail in such suit;

What members only responsible.

11. The mayor and members of the Council who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with subsections three, four and five of this section, shall alone be personally responsible therefor;

What members only responsible.

12. The mayor and members of Council who shall have sanctioned the expending of any sum of money beyond the amounts appropriated and the amount at their disposal in conformity with the last mentioned subsections of this section, and the officer who shall pay the same shall be guilty of misdemeanor;

Sanctioning excess to be a misdemeanor.

13. The city treasurer shall alone have the right to make payments in the name of the corporation, but he shall only do so upon a written order of the council, signed by three or more of its members and countersigned by the city clerk, or in virtue of a judgment or order of a court of justice, or in any case in which such payment is formally enjoined by some express provision of law;

Treasurer only to pay monies.

14. No Justice of the Peace shall have the right to order payments out of the funds of the corporation;

J. P's. not to order payments.

15. For the purpose of meeting the floating and other debt, in Schedule L to this Act annexed, and for no other purpose whatever, it shall be lawful for the said corporation to issue bonds payable in currency in this Province, in such sums, not less than four hundred dollars each as shall be thought expedient, but so as that the whole amount of such bonds shall not exceed four hundred and fifty thousand dollars; Such bonds shall be payable in five years after the date thereof, and bear interest at a rate not exceeding seven per cent. per annum; the holders thereof shall have the same remedy and the like recourse for the recovery of the interest thereon as is in this Act provided with reference to the bonds mentioned in schedule L;

Bonds for floating debt mentioned in schedule L.

Conditions of.

Remedy for.

Proceeds not to
applied to any
other purpose,
&c.

16. Such bonds or the proceeds of such bonds shall be applicable to no other purpose whatever than to pay off an amount equal to the face thereof of such floating debt; and any person engaged in or authorizing the issuing of such bonds, or applying the same or the proceeds of any part thereof to any other purpose whatever, shall be liable, both civilly and criminally, in the same way and to the like extent as is now provided with reference to the expenditure of money by the Mayor and members of the Council in excess of the appropriations provided for by law, and as is now provided in the present section of this Act; such bonds shall express on the face of them the total amount of the loan and the Act under which and the purpose for which they were issued;

Corporation
may call in
debentures due.

17. The corporation may demand the presentation of every debenture the capital of which is due, by giving notice in the *Canada Gazette* and in an English and French newspapers published in the city of Quebec, during six months consecutively, after which time the Corporation shall not be obliged to pay the interest which would otherwise become due on such debenture;

Sinking Fund,
provisions not
affected.

18. Nothing in this Act contained shall affect or be construed to do away with, lessen, or impair the obligation of the corporation and the various officers and servants thereof to provide for and maintain the Sinking Fund, for the payment of its debts as now by law provided; but on the contrary all the provisions of law now existing shall remain in as full force, virtue and effect, and as obligatory as if this Act had never been passed;

Sum to be
added yearly to
the Sinking
Fund by the
Treasurers.

19. It shall be the duty of the City Treasurer before the first day of October in each year to take out of the annual revenue of the city, after the payment of interest on all its bonds, before any other appropriation, a sum equal to two per centum on the amount of the consolidated debt at such period: the said sum of two per centum shall be added each year to the sinking fund of the consolidated debt, with the interest of such fund, which fund shall be applied to the purchase of debentures of the Provincial Government, or in stock of chartered banks of this Province, or of corporations of this Province, or in redemption of the existing debentures of the corporation by the purchase thereof, but the power of the corporation to issue other debentures or increase its debt, shall not in any way be increased in consequence of this provision;

Investment
thereof.

Penalty for
default.

20. If the City Treasurer shall fail or omit to do any of the things prescribed to be done by him in the seven clauses immediately preceding, he shall be liable to a fine of six hundred dollars currency;

Hypothec for
water work
debentures.

21. Holders of water works debentures have the first mortgage or hypothec upon the said water works and everything

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connected therewith, for the repayment of the capital and interest of such debentures; this hypothec does not require to be registered;

22. Nothing in this Act contained shall impair, affect or restrict the rights, privilege or priority of the holder of any debentures already issued either for the construction of the water works any or for any other special or general purpose, in respect of any priority, privilege or security they may at present hold or which is given to them by the several Acts under which such debentures may have been issued, but on the contrary, the holders of all such debentures shall continue to hold, possess and exercise all the privileges, rights and priorities which they were possessed of or which they might have exercised without this Act had been passed, and the special facilities and powers herein conferred on the creditors are and shall be held to be cumulative, and in addition to any right which they might now exercise, either in respect of the revenues of the water works or otherwise;

Act not to affect order of priority of holders of debentures.

23. The City Treasurer shall not receive any debentures of which the payment is due, or any coupons for interest due on such debentures in payment of any amount due to the city, for any object or purposes whatsoever, excepting as in the next subsection provided;

For what payments only coupons may be received.

24. But the City Treasurer may receive water works debentures of which the payment is due, or coupons for interest due on the debentures, in payment of amounts due to the city as aforesaid, and the holder of these debentures in making such payment, shall inscribe his name upon the said debentures, and indicate the day, month and year in which such payment took place, and credit shall be given to the said Treasurer in his account with the corporation, for the interest so paid by him upon the said debentures, up to the day so indicated;

The said purposes defined.

25. And whereas the Treasurer of the city did, in the month of July last, give notice that a special rate of seven pence half-penny (twelve and a half cents) in the pound was requisite to provide for the interest then about to fall due on the Bonds and Debentures of the Corporation, and doubts exist respecting the legality of such special rate, and it is expedient that all doubts in that respect should be removed: It is enacted and declared that the special rate of seven pence half-penny in the pound, notice of the imposition of which was given by the Treasurer of the City of Quebec on the fourth day of July last, is hereby declared to be legal and valid, and that all proceedings heretofore taken for the collection of the said rate by the Treasurer of the city, are hereby declared to be legal and valid, and payment of the said special rate may be enforced by the said Treasurer in the same manner as the payment of all other rates and assessments, may be enforced under the provisions of this Act;

Special rate imposed in July last confirmed.

Quebec Bank on receiving debentures under this Act to deliver up certain others to be cancelled.

26. So soon as the Quebec Bank shall have received from the Corporation, Debentures issued under the present section of this Act for the full amount which is due and owing by the Corporation to the said Bank, the said Bank shall be bound immediately to deliver up to the Corporation the Debentures now held by the said Bank as security for the said debt, as well as any other securities it claims to hold, and it shall be the duty of the Corporation, on receiving such debentures back, to cause them to be cancelled by the City Treasurer in the presence of the Mayor and two or more members of the Council, and a minute of such cancellation shall be prepared and signed by the Mayor and the members present thereat and deposited in the archives of the Council.

PENAL CLAUSES.

Fines and penalties under this Act, how recoverable.

35. All fines and penalties imposed by this Act, or by the provisions of the by-laws, rules or orders of the City Council, which are now or may hereafter be in force in the said city, or by any other provisions or other by-laws and rules which now are or may hereafter be in force in the said city, shall be recovered before the said Recorder's Court with costs, by payment of the said fine or penalty and costs, either immediately or within such delay as shall be granted by the said Court, and in default of immediate payment (within the said delay,) of the said fine or penalty and costs, the party against whom the said judgment shall have been rendered, shall be imprisoned in the common gaol of the district of Quebec, at hard labor, in the discretion of the said court, for a period not exceeding two months, unless such fine and penalty with costs of commitment be sooner paid; anything in the said by-laws, rules or orders, to the contrary notwithstanding, or unless specially otherwise provided for by this Act:

Imprisonment in default of payment.

If the offender be a corporation, society, &c.

2. But in all cases in which a fine has been incurred by a corporation, association or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters;

Liability of joint owners, &c., in certain cases.

3. Any one or more joint owners or occupiers of any lot, house or premises, or other real property in the said city, complained of for violation of any by-law of the said council, now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever against the provisions of any by-law of the said council, may be sued alone or conjointly in the said Recorder's Court, as may be deemed advisable, as also the agent or agents of the

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said joint owners or occupiers, or any one of them; and in the suit to be instituted, it shall be sufficient to mention in the name of one of the owners, occupiers or agents, with the addition of the words "and others," and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency shall be deemed sufficient; any law, usage or custom, to the contrary notwithstanding;

4. And the said corporation, or any municipal elector may institute any proceedings for that purpose in the name of *The Corporation of the City of Quebec*, as provided in the next subsection; Who may bring the suit.

5. All actions instituted by the corporation in virtue of the present Act or any other Act relating to the said City of Quebec, or of any by-law, rule, order or regulation in force in the said city, shall, when the fine and penalty belongs to the corporation, be brought in the Recorder's Court of the City of Quebec and not elsewhere, in the name of *The Corporation of the City of Quebec*; Suits to be in the name of the City.

6. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any statute, now or hereafter to be in force, shall belong to and form part of the general fund of the said city; any law to the contrary notwithstanding; Application of proceeds.

7. To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine; Council only may remit fines.

8. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the said council, for that purpose, by the persons asking for such remission, and not otherwise; In what manner.

9. The Mayor or any member of the said council who shall infringe the provisions of the two next preceding subsections, or any officer of the said council who shall receive any sum due to the said council, without the costs which shall have been incurred at the time of the payment of the said sum, shall incur a fine not exceeding twenty dollars for each offence, which shall be sued for and recovered before the said Recorder's Court, as hereinabove set forth; Penalty for infringing the last two clauses.

10. Any remission of any fine, or of any sums or costs, in violation of the provisions of this section, shall be considered as null and of no effect, to all intents and purposes whatsoever; Any other remission to be void.

11. Whenever in the present or any other Act relative to the said city, or in any bylaw, rule or order as aforesaid, imprisonment

imprisonment is imposed, such imprisonment shall be understood to be in the common gaol of the district of Quebec;

False swearing;
perjury.

12. Any person who shall wilfully swear falsely with respect to any oath prescribed by this Act, shall be guilty of perjury, and shall be liable to the pains and penalties of wilful and corrupt perjury;

Jurisdiction of
Recorder and
his court in cer-
tain matters.

13. The Recorder's Court and the Recorder of the said city, with respect to all civil matters and proceedings within the jurisdiction of the said court, both as regards actions *en garantie*, incidental demands or demands in intervention, and also as regards opposition to executors issued out of the said court, and other matters and things relating to any civil action, instance or proceeding within the jurisdiction of the said court, or in cases of *rebellion à justice*, or of removal of his property and effects by any defendant, or in relation to the power of taking any affidavit in any civil cause, instance or proceeding now pending, or hereafter to be brought in the said court, shall have, within the limits of the jurisdiction of the said court, all and every the powers enjoyed in such cases by the ordinary courts of civil jurisdiction in Lower Canada and by the judges thereof;

By-laws pre-
sumed to have
been properly
passed, &c.

14. In any action, proceeding or complaint by the said corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that any by-law has been transmitted to the Governor, but the observance of the said formalities, and the said transmission shall be presumed until proof to the contrary be shewn.

INTERPRETATION—ACTS REPEALED, &c.—EXISTING RIGHTS
SAVED.

Trinity House.

30. This Act shall not in any manner affect the powers and authority of the Trinity House of Quebec, but the said Council shall exercise exclusive jurisdiction over the whole limits mentioned in the third section of the present Act:

The Queen.

2. This Act shall not affect in any manner the rights of Her Majesty, Her Heirs and Successors;

Interpretation.

3. Whenever the following words occur in this Act they shall be understood as meaning as follow:

Governor

1. The word "Governor" shall mean the Governor General of the province of Canada; or the person administering the government thereof;

Council, City
Council.

5. The words "Council," "City Council," shall mean the Council of the corporation of the City of Quebec, unless the context necessarily or plainly indicates a different meaning;

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6. The words "Mayor," "Alderman," "Aldermen," "Coun- Mayor, &c.
cillor," "Councillors," "Members of the Council," "Trea-
surer," "City Treasurer," "Clerk," "City Clerk," shall mean
that the same are respectively the Mayor, Aldermen, Coun-
cillors, Members of the Council and the Treasurer and Clerk of
the Corporation of the City of Quebec;

7. The words "Corporation," "said Corporation," shall Corporation
mean the Corporation of the said City of Quebec;

8. The words "Recorder's Court," shall mean the Recorder's Recorder's
Court of the City of Quebec; and the words "Recorder,"
"said Recorder," shall mean the Recorder of the City of
Quebec;

9. The word "Act," shall also mean and comprehend the Act.
word Ordinance;

10. The words "City," or "said City," mean the Corpora- City.
tion of the City of Quebec, in conformity with the provisions of
this Act;

11. All words employed in the singular number, or in the Singular num-
masculine gender only, shall mean one or more matters and ber.
things of the same kind, and one or more persons, men and Gender.
women; and bodies corporate, as well as private individuals,
unless the contrary shall be specially stated, or that the context
plainly or necessarily conveys a different meaning; and the
word "shall," shall be considered imperative, and the words
"shall not," shall be prohibitory, and the word "may," shall
be permissive;

12. The following Acts and Ordinances are hereby repealed, Acts repealed.
to wit: The fourth Victoria, chapter thirty-one; fourth Victoria, 4 V. c. 31.
chapter thirty-five; eighth Victoria, chapter sixty; ninth Vic- 4 V. c. 36.
toria, chapter twenty-two; tenth Victoria, chapter one hundred 8 V. c. 60.
and thirteen; thirteenth and fourteenth Victoria, chapter one 9 V. c. 22.
hundred and thirty-one; fourteenth and fifteenth Victoria, 10 V. c. 113.
chapter one hundred and thirty; sixteenth Victoria, chapters 13, 14 V. c. 131.
one hundred and twenty-nine and two hundred and thirty-two; 14, 15 V. c. 130.
eighteenth Victoria, chapters thirty, thirty-one and one hundred 16 V. c. 129,
and fifty-nine; nineteenth Victoria, chapter sixty-nine; twen- 232.
tieth Victoria, chapter one hundred and twenty-three; twenty- 18 V. c. 30, 31,
second Victoria, (1858), chapter thirty; twenty-second Victoria, 159.
(1859), chapters thirty and sixty-three; twenty-third Victoria, 19 V. c. 69.
chapter sixty-eight; and twenty-fifth Victoria, chapter forty-five; 20 V. c. 123.
22 V. c. 30, 63,
23 V. c. 68,
25 N. c. 42.

13. The repeal of the Acts and Ordinances mentioned and
recited in the next preceding subsection shall not be understood
as affecting any matter or thing done, or required to be done,
debentures, promissory notes, or obligations issued, or by-laws,
rules or regulations made under and by virtue of the said Acts
and

Saving, &c.
as regards effect
of such repeal.

and Ordinances, but the said matters and things, debentures, promissory notes, obligations, By-laws, rules, regulations and orders, and the obligations of the Corporation, and every officer and servant in respect of the same, and the sinking fund to be provided, shall continue to be regulated by the said Acts and Ordinances in the preceding clause, until they shall be changed, altered, replaced or repealed, by any proceeding adopted in virtue of the present Act, in which case all such matters and things; debentures, promissory notes, obligations, rules, by-laws, regulations and orders, as the case may be, shall be regulated and controlled by the present Act;

Certain debentures, notes, &c., By-laws, &c., to remain in force.

14. Any matter or thing done, debentures, promissory notes and obligations issued, and all by-laws, rules or orders, now in force in the City of Quebec, and made in conformity with the Acts incorporating or relating to the incorporation of the said city, shall continue, and do continue in full force and effect, to all intents and purposes, the same as if the present Act had never been passed, until they shall be legally altered, amended, replaced or repealed, as the case may be, in virtue of the present Act;

Corporation continued uninterrupted.

15. Nothing in this Act contained shall be construed to dissolve the corporation composed of the inhabitants of the City of Quebec as heretofore existing under different names; but the same shall be held and deemed to continue to exist by the name given to it in this Act, and subject to the provisions of this Act, being one and the same corporation with the corporation of the City of Quebec;

Acts repealed by repealed acts, to remain repealed.

16. All Acts and parts of Acts repealed by the Acts and Ordinances hereby repealed, and recited in the twelfth subsection of this section of this Act, shall be and remain repealed; and all Acts and parts of Acts and Ordinances inconsistent with the provisions of this Act shall be, and are hereby repealed.

Public Act.

40. This Act shall be deemed a Public Act.

SCHEDULE A.

I.

Oath of allegiance to be taken by the Mayor, Alderman and City Councillors:—

I, A, B., sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, (or reigning Sovereign) lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as a dependency of the United Kingdom, and attached thereto, that I will defend

defend Her Majesty and treason Her person utmost end Her Heirs ous design them; Al mental res dispensatio contrary.

I, A, B. Councillor solemnly a fulfil the judgment my own the payment hundred p collusively me to be (may be.)

Oath to

I swear that I am of election (may be) for the m am duly in this v indirectly or employ not been me to vo twenty-o

Oath to

I, A, B. tially, to at the of be, for (as the co held on

debentures,
ulations and
every officer
g fund to be
aid Acts and
be changed,
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les, by-laws,
be regulated

defend Her to the last of my power against all conspiracies and treasons or designs whatever, that may be made against Her person, Her Crown and dignity, and that I shall use my utmost endeavors to disclose and make known to Her Majesty, Her Heirs and Successors, all conspiracies, treason or traitorous designs that I shall know to exist against Her, or any of them; All this I swear without equivocation, restriction or mental reservation whatever, and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary. So help me, God.

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I, A. B., having been elected Mayor, (*Alderman or City Councillor, as the case may be*), for the City of Quebec, solemnly and sincerely promise and swear that I will faithfully fulfil the duties of the said office according to the best of my judgment and ability, and that I am seized and possessed for my own use, of real estate, in the said City of Quebec, after the payment or deduction of my just debts, of the value of five hundred pounds currency, and that I have not fraudulently or collusively obtained the same, or a title to the same, to qualify me to be elected Mayor, (*Alderman or Councillor, as the case may be*.) So help me, God.

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the City of
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Oath to be taken by voters :—

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are hereby

I swear that my name is (*here insert or give the name*) and that I am the person named in the copy of the voters' list of electors for Mayor and Alderman (*or Councillor, as the case may be*) for (*here name the ward*) Ward of the City of Quebec, for the municipal elections, which is now shewn me; that I am duly qualified, and that I have not voted at this election in this ward, and that I have not received, either directly or indirectly, any money, note, or promise, nor obtained any place or employment, and that my taxes, assessments, or rates have not been paid, in whole or in part, by any person, to induce me to vote for any candidate at this election, and that I am twenty-one years of age. So help me, God.

SCHEDULE B.

Oath to be taken by Poll-Clerk :—

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that I will
defend

I, A. B., swear that I will faithfully, punctually and impartially, to the best of my ability, fulfil the duties of Poll-Clerk, at the election of an Alderman or Councillor, (*as the case may be*), for (—) of this city, (*or of a Mayor of the said city as the case may be*), which election shall commence and be held on the (*name the day*). So help me, God.

SCHEDULE

SCHEDULE C.

Oath to be taken by the Presiding Officer :—

I, the undersigned A. B., a member of the council, named by the city council of the City of Quebec, to preside at the voting in (*name the ward*) of the City of Quebec, swear that the present Poll-Book has been faithfully and accurately kept as required by law. Signed at Quebec this (*here name the date.*)

SCHEDULE D.

I.

Oath of allegiance by the Assessors :—

(This oath the same as Schedule A.)

II.

Qualification oath by Assessor :—

I, A. B., having been appointed Assessor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of the said office, to the best of my skill and ability, and that I am seized and possessed, for my own use, real and personal, or both, in the City of Quebec, after payment or deduction of my just debts, of the value of two hundred and fifty pounds currency; and that I have not obtained the same either fraudulently or collusively in order to qualify myself to be appointed Assessor. So help me, God.

SCHEDULE E.

I.

Oath of allegiance by the Auditor :—

(Same as Schedule A.)

II.

Qualification oath by Auditors :—

I, A. B., having been named Auditor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of that office, to the best of my skill and ability. So help me, God.

SCHEDULE

SCHEDULE F.

I.

Oath of allegiance by Policemen :—

[Same as oath in Schedule A.]

II.

Oath of office by each member of the Police Force :—

I, A. B., of the City of Quebec, having been appointed a member of the Police force of the said City, sincerely and solemnly swear, that I will faithfully discharge my duties as a member of the Police Force, to the best of my skill and ability. So help me, God.

FORM G.

Public notice is hereby given that the Assessment Roll of the City of Quebec, for the ward of the said City, (or the supplementary roll of Assessment for the ward of the city) is completed and is now deposited in the office of the undersigned.

All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned at his said office, within ten days from this day, without further notice.

Sheriff or City Treasurer.

Quebec, (date).

of Quebec,
discharge
ability. So

SCHEDULE

FORM

FORM H.

CORPORATION OF QUEBEC.

Mr.

COPY OF ACCOUNT.

Notice Served,

(Date of Notice.)

Costs,

Notice,

CORPORATION OF QUEBEC.

Mr.

To the Corporation of the City of
Quebec,To Assessments, &c., or Water
Rates, &c.

(Here State Account.)

Sir,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof, as below, in default whereof, execution will issue against your Goods and Chattels.

Quebec, date.)

Costs,

(Signature.)

Notice,

City Treasurer,
(or Sheriff.)

FORM II.

Public notice is hereby given that on _____ next, the
day of _____ instant (or next), the goods and chattels
of the parties hereinafter named and designated now under
seizure for non-payment of assessments (or other dues, as the

1865.

case may be
places here

Name

Quebec

Province
City
District

The Record

Debt

Costs
Warrant

Where
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and where
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the said
you forth
said A.
making
the reason
shall not
indicated
chattels

case

case may be) will be sold by public auction at the hour and places hereinafter mentioned, to wit :—

Names.	Amount.	Place of Sale. No. Street.	Hour of Sale.

Quebec (date).

(Signature)

Sheriff.

FORM J.

Province of Canada,
City and
District of Quebec.

} In the Recorder's Court of the City
of Quebec.

The Recorder of the City of Quebec

Debt		
Costs		
Warrant		

To any Bailiff of the Recorder's
Court of the City of Quebec, in the
said City and District of Quebec.

Whereas, A. B., (*name and designation of debtor*), hath been required by the Treasurer of the said City of Quebec, to pay into his hands for and on behalf of the said city, the sum of being the amount due by him to the said city, as appears by the collection-roll of the said city for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said Treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do on such day as shall be indicated to you by the said Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such





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such sale unto the Treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk
of the said Recorder's Court, at
Quebec aforesaid, this
day of _____ in the year of
Our Lord

T. X.,
Clerk, of the
Recorder's Court.

FORM K.

"I _____ having been appointed Commissioner under
"the thirty-fifth section of the (*cite the Act*) do swear that I will
"faithfully, impartially, honestly, and diligently execute all
"the duties of the said office according to the best of my judg-
"ment and ability. So held me God."

SCHEDULE

STATE
Au
aut

To Amount
be issued

Amount
\$115
Over issued
Bills payable
Capital of
Amount of
Amount of
1st J
Amount of
Jail
Amount of

To Amount
Amount of
To meet

Quebec

SCHEDULE L.

STATEMENT of Amount due by the Corporation of the City of Quebec, 31st August, 1865, as floating debt, for which the issue of Bonds is authorized.

To Amount of Debentures authorized by Acts of Parliament to be issued :

16 Victoria, Chap. 232.....	\$ 600000 00
18 do do 31.....	200000 00
22 do do 59.....	300000 00

\$1100000 00

Amount issued according to Corporation Debenture Book, \$1154696 66.

Over issue \$ 54696 66

Bills payable as per Bill Book 19926 05

Capital of Ground Rent payable annually 11023 60

Amount due Quebec Bank as per account 226481 00

Amount of interest to the Municipal Loan Fund, 18 months, to 1st July last 6000 00

Amount of Judgment rendered against Corporation for arrears of Jail and Jury Fund 4000 00

Amount of interest due to Bondholders in Canada, 1st July last. 14563 00

302027 65

WATER WORKS DEPARTMENT.

To Amount of Water Works Bonds over issued as per Schedule. \$356724 31

Amount of Bills payable as per Bill Book 16880 00

To meet deficit for current year up to 1st January, 1866. 8905 24

67090 34

\$450000 00

E. & O. E.

Quebec, 31st August, 1865.

L. E. DORION,

Book-keeper.

STATEMENT of City and Water Works Debentures, due 31st August, 1865.

CITY DEBENTURES-DUE IN QUEBEC.

Numbers.	Date.	When due.	Amount.	Total.
1.			\$ cts.	\$ cts.
1580, 1711.....	1st Jan., 1849.	1st Jan., 1852		400 00
620, 621, 622, 623, 617, 618, 619, 620,	1st Jan., 1864.	" 1865.		10000 00
624, 1516, 1519, 1520, 1521, 1522,				
1523, 1524, 1525, 1526, 1527, 1528,				
1529.		1st Jan., 1866.		24500 00
605, 636, 637, 638, 639, 711, 771, 772,				
1536, 1540, 1541, 1542, 1543, 1544,				
1545, 1546, 1552, 1553, 1554, 1556,				
1557, 1558, 1559, 1560, 1561, 1562,				
1563, 1564, 1565, 1566, 1567, 1568,				
1569, 1565, 1570, 1571, 1572, 1573,				
1610, 1611.		1st Jan., 1867.		72140 00
974, 975, 976, 977, 978, 979, 980, 981,	1874.	1st Jan., 1868.	16000 00	
1007, 1008, 1074.		1st Jan., 1868.	2000 00	
		1st July, 1868.		18000 00
1463, 1055.....		1st Jan., 1869.		1300 00
607, 614, 1511.....		" 1870.		3800 00
635, 636, 627, 628, 629, 1600, 1601,				
1602, 1602, 1591, 1592, 1593, 1594,				
1595, 1596, 1597, 1598, 1599, 1590,				
1591, 1592, 1593, 1594, 1595, 1596,				
1597, 1598, 1599, 1603, 1604, 1605,				
1606, 1607, 1608, 1613, 1614.....		1st Jan., 1872		54100 00
209, 210, 211, 212, 213, 214, 215, 230,				
1615, 1616, 1619, 1620, 1621, 1622,				
1623, 1624, 1625, 1626, 1627, 1628,				
1629, 1630, 1631, 1632, 1633, 1634,				
1635, 1636, 1637, 1638, 1639, 1640,				
1641, 1642, 1643, 1644, 1645, 1646,				
1647, 1648, 1649, 1650, 1651, 1652,				
1653, 1654, 1655, 1656, 1657, 1658,				
1659, 1660, 1661, 1662, 1663, 1664,				
1665, 1666, 1667, 1668, 1669, 1670,				
1671, 1672, 1675, 1676, 1677, 1678,				
1679, 1680, 1681, 1682, 1683, 1684,				
1685, 1686.....		1st Jan., 1873		132300 00
16804, 1681, 591, 592, 1687, 1688,				
1689, 1690, 1691, 1692, 1693, 1694,				
1695, 1696, 1697, 1698, 1701, 1703,				
1704, 1705, 1706, 1707, 1708, 1709,				
1710, 1712, 1713.....		1st Jan., 1874.		70800 00
593, 615, 616, 1715, 1716, 1717, 1718,				
1757.....		1st Jan., 1875.		62800 00
1010, 1011, 1012, 1013, 1014.....		1st Jan., 1878		2000 00
1703, 1704, 1705, 1706, 1707, 1708,				
1719, 1720, 1721, 1729, 1730.....		1st Jan., 1879.		16600 00
Carried over.....				\$468740 00

STATEMENT

29 Vic.

1865:

Corporation of Quebec.

Cap. 57.

329

August, 1865.

STATEMENT of City and Water Works Debentures.—Continued.

CITY DEBENTURES DUE IN ENGLAND.

amt.	Total.				Brought over.....	\$468740 00
		16 Vic., c. 232	No. 254 to 268	18th June, 1853	1st Nov., 1873	£ 15000 0 0
			" 340 "	590 15th Sep., 1853	" "	25000 0 0
		18 Vic., c. 31	" 640 "	649 2d March, 1857	" 1876	5000 0 0
	\$ cts.	16 "	" 650 "	659 "	" "	5000 0 0
...	400 00	18 "	" 660 "	684 "	" "	2500 0 0
...	10000 00	16 "	" 685 "	709 "	" "	2500 0 0
		16 "	" 711 "	719 13th April, 1857	" "	5000 0 0
		18 "	" 720 "	770 "	" "	5000 0 0
		16 "	" 773 "	797 23rd May, 1857	" "	12500 0 0
...	24500 00	18 "	" 798 "	922 "	" "	12500 0 0
		18 "	" 923 "	947 1st June, 1858	" 1877	2500 0 0
		18 "	" 948 "	952 "	" "	2500 0 0
		18 "	" 953 "	954 22nd July, 1858	" "	1000 0 0
		18 "	" 955 "	958 23rd Oct., 1858	" 1878	9000 0 0
		22 Vic., c. 69	" 1060 "	1166 13th May, 1859	1st May, 1879	10700 0 0
		22 "	" 1225 "	1289 "	" "	16250 0 0
		22 "	" 1311 "	1342 "	" "	16000 0 0
					Sterling..£	140850 0 0
...	18000 00					655955 06
...	1300 00					
...	3800 00					\$1154696 66
		Exchange at 94 1/2, Prov. currency				

WATER WORKS DEBENTURES DUE IN QUEBEC.

			\$ cts.
967, 968, 969, 970, 971, 972,	8th & 11th Nov.,		
973, 974	1861	1st Nov., 1867	15900 00
975, 976, 977, 978, 980	17th Dec., 1855	" 1865	1600 00
1, 2, 3, 4, 9, 11, 13, 16, 20, 21,			
22, 23, 24, 25, 26, 27, 28,		" 1870	46800 00
29, 453		" 1871	6000 00
979, 980, 981, 982, 983, 984		" 1872	6000 00
987, 988, 989			
562, 563, 564, 565, 566, 567,		" 1873	14953 33
590, 591, 592, 593, 594			
568, 569		1st May, 1875	3000 00
985, 986		1st Nov., 1877	8000 00
			\$108153 33

WATER

WATER WORKS DEBENTURES DUE IN ENGLAND.

38, 39, 40.....	28th Nov., 1851	1st Nov., 1870	£ 4100 0 0	
49 to 456.....	3rd Feb., 1852	" "	82200 0 0	
457 to 561.....	16th June, 1858	" 1873	40000 0 0	
570 to 709.....	26th May, 1855	" 1875	30000 0 0	
710 to 849.....	17th Aug., 1855	" "	30000 0 0	
851 to 950.....	1st July, 1856	1st May, 1876	22000 0 0	
			£ 208300 0 0	
	Exchange at 9½ in, Provincial Currency.....			\$1013726 67
				\$1116880 00

E. & O. E.

AUG. GAUTHIER,
City Treasurer.

Quebec, 31st August, 1865.

L. E. DORION,
Book-keeper.

Dr. The Quebec Bank in account with the Quebec Corporation. Cr.

To amount of deposit. Special Fund, Debent. acct.	\$46150.22	By amount overdrawn, Corporation General Fund...	\$248968 64
Interest from 1st June to 30th September, at 4 per cent.....	617 56	" Interest Reserve Fund...	17945 49
Balance.....	226431 06	" 122 days interest on Gen. Fund overdrawal.....	5752 94
		" 71 days interest on Interest Reserve Fund \$29092	396 15
		" 51 " " 17945	175 61
	\$273238 83		\$273238 83
		Balance	\$226431 06

* Memorandum of Interest.

12 days on.....	\$236526 17
17 "	241863 35
1 "	245100 73
18 "	245100 73
10 "	247100 73
21 "	247100 73
30 "	248968 64
	248968 64—\$5752 94

E. & O. E.

WILLIAM RHIND,
Accountant, Quebec Bank.

4th September, 1865.

L. E. DORION,
Corp. Book-keeper.QUEBEC:—Printed by MALCOLM CAMERON,
Law Printer to the Queen's Most Excellent Majesty.

